

CHAPTER I

INTRODUCTION

1. In the very early stages of discussion about London government reorganisation, and before the London Government Bill was presented to Parliament, it was mooted that an independent body should look after the interests of staff, both during and after the transfer of functions to the new authorities. Although it was the declared intention of the Minister to establish such a body, the power to appoint a Commission under the London Government Bill as originally presented was permissive. During the passage of the Bill however an amendment was passed which made it mandatory on the Minister to establish a Staff Commission, within one month of the passing of the Act, for the purpose of:

- “(a) considering and keeping under review the arrangements for the recruitment of staff by the Greater London Council and the London borough councils and for the transfer in consequence of the provisions of this Act or any instrument made thereunder of staff employed by other local authorities affected by Part I of this Act;
 - (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the Commission by the Minister; and
 - (c) advising the Minister on the steps necessary to safeguard the interests of such staff”.
- (Section 85(5) of the London Government Act 1963.)

2. The Minister invited us to serve on the Commission after consultation with the appropriate staff and local authority associations. Our formal appointment had to await the enactment of the Bill but we first met informally at the end of April 1963, i.e. three months before the Act was passed. At that stage there were discussions with your Ministry on whether an Order should be made under the Act to give the Commission more detailed terms of reference than those contained in Section 85(5) of the Act. We felt that the Act itself gave a sufficient indication of our functions and no such Order was made.

3. It was made clear that the Commission were not to be concerned with matters normally dealt with by the negotiating machinery of local government, e.g. pay and conditions of service, and would not abrogate the management functions of the local authorities (Ministry Circular No. 6/63). This was reiterated by the Minister during the passage of the Bill through the House and also in his addresses to large assemblies of members of the L.C.C. Staff Association in County Hall in July 1963 and of members of N.A.L.G.O. in the Albert Hall in September 1963.

4. During the passage of the Bill a suggestion was made that the Commission should have power to compel authorities to act on its advice but this was rejected by the Minister on the ground that it was sufficient for him to have power to direct any authority which did not implement the advice given by the Commission. The Minister summed this up in the Report Stages of the Bill when he said:

"The Staff Commission, as we see it, will mostly work by persuasion. That is, we expect that it will, after study and consultation, lay down general principles to which the existing and the future authorities will work. Behind that persuasion there lies the power of the Minister to give directions to local authorities if the Minister, after representations by the Staff Commission, judges it to be necessary." (Hansard Vol. 675, No. 90, Col. 288.)

5. Basically the reorganisation involved the merger of the Counties of London and Middlesex and parts of Essex, Hertfordshire, Kent and Surrey to form a new area of local government to be administered by a Greater London Council and by 32 new London boroughs which replaced 85 authorities of varying status, viz., three county boroughs, 28 metropolitan boroughs, 39 municipal boroughs and 15 urban district councils. One urban district of Middlesex became part of Hertfordshire and two became part of Surrey.

6. In addition to the reorganisation of those authorities there was a transfer of functions from counties to boroughs. The personal health, welfare and children's services, passed from the London County Council to the 12 inner London boroughs; and those services in Middlesex and those parts of Essex, Hertfordshire, Kent and Surrey within the reorganisation area passed to the 20 outer London boroughs. Also these outer London boroughs became fully responsible for education services previously discharged by the counties. The City of London and the Temples remained intact with their responsibilities largely unaltered. The Greater London Council took over some services, e.g. ambulance and fire brigades, from the county and county borough councils and, as the Inner London Education Authority, became responsible for the education services in the inner London boroughs previously undertaken by the London County Council. This Council also took over from the Ministry of Transport certain responsibilities for highways and traffic.

7. In terms of staff these changes meant that, apart from teachers, residential staff and manual workers, some 50,000 staff were to be redistributed among the new authorities. The County of Middlesex would cease to exist and several thousands of Middlesex staff would go to new borough councils and well over a thousand to the new Greater London Council. The London County Council would disappear, and a large number of the staff would go to the new boroughs in inner London although the majority would be transferred to the Greater London Council, including the Inner London Education Authority. Large numbers of staff employed by the peripheral county councils would also be affected by the reorganisation.

8. As all staff were to be transferred to new employing authorities on 1st April 1965, there were less than eleven months between the date of the election of the new borough councils (May 1964) and the operative date. Many of the changes had to be planned before the new councils were elected and there was

barely sufficient time for the Commission to examine all the problems likely to arise, in consultation with all the interests concerned, and to give advice on how they could best be met.

9. In the period of three months preceding our formal appointment we visited a number of council offices in Greater London and had informal talks with representatives of the local authorities and senior officers. We also met representatives of staff associations and local authority organisations. We found that very little thought had been given to the problems involved in the transfer. Furthermore when questions had been raised the answer given was that the Commission would deal with them. By the time of the Commission's formal appointment the list of apparently insoluble problems was formidable indeed!

10. Another matter which was discussed at these early meetings was the staffing of the Commission. This was largely a question of confidence; both authorities and staff would be more ready to accept our guidance if they felt that we understood the conditions of local government in London; and indeed we realised that we should need advice. The general opinion of those to whom we talked was that the Commission should be staffed by local government officers from London with experience in the different services. We rejected this proposal as we did not need a large full time staff recruited from a wide range of services. Also the secondment of experienced staff at a time when the authorities were working under very considerable pressure would have been difficult, and any seconded officers might have been placed at a disadvantage when the new authorities were making appointments. We also considered the possibility of appointing a panel of local government experts from outside London, to advise on technical matters as required. Although this suggestion was acceptable to the local authority and staff associations it seemed likely to prove cumbersome, and in any case we wished to establish direct relations with the officials of the various associations.

11. We therefore decided that the position could best be met by appointing a local government adviser, with recent experience of London local government, who could share fully in our deliberations. This would not in any way inhibit us from going direct to the various associations to get their views on particular problems. Our recommendation to this effect was accepted by the Minister and we were fortunate in securing the services of Mr. W. Hayhurst, C.B.E., who until his retirement in August 1962 had been City Treasurer of Westminster. He gave us freely the benefit of his long experience of local government in London and we wish to record our sincere appreciation of his help and advice.

12. For the secretariat and for the executive work of the Commission staff were loaned by the Ministry of Housing and Local Government, apart from our Chief Officer who was seconded from the Ministry of Labour at the beginning of January 1964. For the six busiest months of our work we had eleven staff but for more than half the time we had fewer than five staff. The interests of the Commission, and indeed of local authorities and their staffs, could not have been better served, and the success of our work is due in no small measure to them.

13. The London Government Act 1963 empowered the Minister of Housing and Local Government to require the local authorities in Greater London to pay the expenses incurred in connection with the Commission. After discussion with the Greater London Council, the Minister formally required that Council to assume ultimate financial responsibility for such expenses as from 1st April 1964. The day-to-day payments were made throughout by your Ministry and then recovered from the Greater London Council.

CHAPTER II

APPROACH TO THE PROBLEM OF TRANSFER AND RECRUITMENT OF STAFF

14. The preliminary talks with representatives of the staff associations revealed that although there was no fear of widespread redundancy there was considerable uncertainty among the staff regarding their future position and this was naturally causing anxiety. Although most of the staff of the old authorities could assume that they would be transferred to the new councils with their work, all officers would be affected by the larger organisation and different status of the new London boroughs. Also the staffing policies of the new authorities might differ from those of existing councils and large numbers of staff would find themselves serving under different officers and often in different places of employment. These anxieties were particularly acute among county council staff who were working in departments which were to be transferred to the new London boroughs, and among staff of the smaller boroughs and urban districts who felt that they would be swallowed up by the larger neighbours in their groups. They were looking to the Commission to see that all officers were treated on an equal footing from whichever authority they came.

15. Although Ministers had already given assurances that the interests of the staff would be fully safeguarded, it was evident that our first task was to maintain confidence during the period of transition, and to demonstrate by the principles we sought to establish that there would be fair play for all. The achievement of these aims was in our view as vital as the statutory protection of scales of salary and conditions of employment, and the arrangements for compensation for loss of employment or loss or diminution of emoluments.

16. In the light of these considerations we placed the greatest emphasis on keeping the staff informed at all stages and at all levels and through every available channel of the plans being made for the reorganisation. We stressed to existing authorities and to their joint committees, and later to the newly elected authorities, the great importance of this free and direct communication. Also we urged upon them the need for joint consultation with staff representatives in preparing the new organisation in each council area. This was our first principle.

17. Before considering how the new councils were to make their appointments it was clearly necessary to protect staff interests during the preparatory period. Local government services had to be maintained and the reorganisation could not stagnate. Promotions and staff movements must continue and where necessary for immediate purposes some reorganisation might have to be made. But staff interests might be adversely affected if vacant posts were filled by local government officers recruited from outside London. We

recommended that in the interim period existing authorities should endeavour to fill posts from staff already serving in the area of the borough group or failing that within Greater London.

18. The next step was to establish the basis on which the new councils were to make their selection of senior officers. Down to what level this personal selection should go depended on the nature of the service as well as on the policies of the new authorities. Another consideration was the desirability of avoiding as far as possible any steps that might encroach—or appear to encroach—on the highly prized independence of local authorities. Our proposals had to be based on a realistic appraisal of the needs of the new authorities. At the same time we had to insist on compliance with certain principles if the reorganisation was to proceed in an orderly fashion and with proper regard to staff interests.

19. We recognised that in normal circumstances authorities would wish to fill such posts by nation-wide competition, and that restriction to local candidates is not always in the best interests of local government. But the circumstances were exceptional. We took the view that the operation ought to be regarded primarily as a redistribution of the existing staff who would be affected by the reorganisation of Greater London. There was some risk of redundancy, especially at senior levels, and we felt that staff should not be expected to compete with others outside London whose jobs were not at risk. Our conclusion therefore was that each new council should endeavour to select its officers from within the field of candidates already serving in Greater London. If however a council felt unable to make an appointment from London applicants—because none was considered suitable for the particular post—we were willing to consider advertisement for candidates from a wider field.

20. It is possible that as a result of this approach some well qualified officers in other parts of the country were excluded from consideration for new and attractive appointments. Some of the new councils were somewhat perturbed by the restrictions placed on recruitment from outside London, although most of them recognised the virtue of keeping at a minimum the possible adverse effects on London officers. The fact remains that nearly all the posts of chief officers and deputies were filled by candidates from within Greater London who were judged suitable by the authorities themselves. The few posts which were filled from outside London were nearly all in the services transferred from the peripheral counties to the new boroughs in outer London.

21. Inevitably there were some officers, mainly at chief officer level in the former Greater London area, who could not be found suitable employment with the new authorities but as will be seen from Chapter VIII very few officers were declared redundant. We feel that this satisfactory result is due largely to the manner in which new councils followed the principles we laid down.

22. These then were the principles on which we set about our work:

- (i) full communication by authorities to the staff at all stages and at all levels of their plans for the transfer;
- (ii) joint consultation between old and new authorities and staff representatives on the new organisation;

- (iii) in the interim period care in making new appointments and as far as possible restriction to candidates already serving in the borough group or failing that within the Greater London area;
- (iv) in filling posts with the new councils first consideration to be given to candidates from Greater London including county staff affected by the reorganisation.

In later Chapters we describe how these principles were applied and a "Diary of Events" is given in Appendix No. 1.

CHAPTER III

FILLING OF POSTS BY EXISTING AUTHORITIES

23. In January 1963 your Ministry had issued a circular (No. 6/63) to all the authorities in the London area which included the following statement:

"In making any new arrangements or appointments their aim should be to do nothing which might increase the risk of later redundancy or which might prejudice the chance of existing officers being considered for posts which cannot be filled until the new authorities are in being. Councils should, in the Minister's view, give special thought to the way in which vacancies are filled in the senior posts and it should certainly be a principle that for the time being such vacancies in London should be filled to the greatest possible extent from among local government officers now employed in the Greater London area."

24. We fully endorsed this view and in our letter to authorities of 23rd August 1963 we suggested that one way of safeguarding the interests of staff was to treat a vacant post with one of the existing local authorities as available to staff throughout the group forming the new borough. We also recommend that if it was found necessary to advertise a post applications should be invited from within the London area only.

25. This principle was explained in some detail in our Memorandum of 6th March 1964 to the authorities and associations but we realised that for some technical and professional posts there were already shortages of qualified officers both in London and the provinces. It was therefore unrealistic to expect that existing authorities could fill all posts at all levels by officers from London. We advised existing authorities however that they should try to fill any senior post which fell vacant from London candidates first, but that if they were unable to do so and wished to advertise nationally they should seek our agreement before advertising, giving brief details of the post and the reason why they wished to extend the field outside London. Where permission was given to advertise posts on a national basis we asked authorities to give preference to candidates from Greater London who were affected by the reorganisation. We also asked that any advertisement should state how the post was likely to be affected by the transfer arrangements. This was out of consideration for non-London candidates who might not fully appreciate the possible consequences of accepting posts in the authorities which were shortly to be merged in larger authorities. There was no guarantee that assimilation on 1st April 1965 would be to a post carrying the same status.

26. Some authorities raised objections to this procedure, mainly on the grounds that extra time was entailed in advertising throughout London first and then, if no suitable candidates were forthcoming, on a national basis. But we regarded this as an essential condition in safeguarding the interests of existing

officers who might otherwise have had their opportunities severely restricted by having to compete with newcomers from outside London.

27. After this procedure had been in operation for some time representations were made to the Commission by a number of authorities that for certain categories of staff advertising in London produced no suitable candidates and only resulted in delay in filling posts. We asked the authorities to suggest the categories to which this applied. The list which was submitted was discussed with the main staff associations.

28. As a result we wrote to the authorities on 8th October 1964 modifying the earlier procedure and agreeing that authorities could proceed immediately to advertise on a national basis for the following categories:

- (i) Junior staff usually recruited from outside local government service, e.g. junior clerks, machine operators, typists, etc.;
- (ii) staff in the basic recruitment grades for newly qualified officers in the following professional classes:
architect, engineer, planning officer, quantity surveyor, solicitor, valuation officer;
- (iii) public health inspectors—basic posts and pupils;
- (iv) domestic staff; and
- (v) manual workers.

At that time it was clear to us that there would be no general problem of redundancy at the lower levels of staff and that this relaxation could be allowed without detriment to the interests of staff at those levels.

29. By and large the authorities co-operated fully in following the procedures laid down by the Commission. Our staff kept a close watch on advertisements for vacant posts, both in the press and in the various local government periodicals, and we took up with the authorities concerned those cases where national advertisements had been inserted without our consent. Almost without exception these insertions had been made in genuine error by the authorities and usually occurred when the power to advertise was delegated to the various chief officers of the council and not centralised. In such cases we asked for an undertaking from the authority that they would, in fact, give first consideration to any candidates from Greater London before looking at any outside candidates.

30. In a few instances staff associations made representations to us about the appointment by an authority of an officer from outside the Greater London area. After investigation we came to the conclusion in one or two cases that the authority concerned had not followed the Commission's procedures. These were reported to the Minister and, although the appointments were not set aside, the authorities were warned by your Department that no similar appointments would be countenanced.

CHAPTER IV

FILLING OF POSTS BY NEW BOROUGH COUNCILS

31. The new authorities would obviously need some chief officers immediately after the councils were elected on 7th May 1964 and accordingly we gave first consideration to the methods for filling the posts of clerk, treasurer and surveyor, and then to the procedure for filling other chief officer posts. Heads of departments and services and deputy chief officer posts were next considered and then the posts below senior level. The staffing of the Greater London Council called for separate considerations (see Chapter V).

32. We examined a number of suggestions for minimising inconvenience to councils and staff but some had to be rejected as we did not consider that they were feasible or in the interests of the staff and authorities concerned. One of these was to limit the number of posts for which an officer could apply. We decided against this. We felt it reasonable to assume that most officers applying for posts outside their "home" area would direct their efforts to areas where the chances of an appointment seemed most favourable. We realised also that having regard to forthcoming retirements and other factors not all existing chief officers would necessarily wish to apply for posts elsewhere and consequently the number of candidates from other parts of London likely to be considered by the new councils would be minimised.

33. At one time it was suggested that we should approve short lists for particular appointments. We rejected any idea that we should "vet" the names on short lists. The most we could do was to determine the field from which candidates were invited and in that way ensure that short lists would consist only of officers in the appropriate categories.

34. We felt unable to meet a request to produce a timetable specifying dates by which appointments to each chief officer post from the staffs of the merging authorities must be made and that any posts which had not been so filled by these dates should be advertised in accordance with a procedure to be laid down by the Commission.

(1) CHIEF OFFICER POSTS — GENERAL

35. The clerk and other chief officers were needed to plan the organisation and establishments of the new authority but these appointments could not be made until after the date of the election of the new councils. We realised therefore that whatever procedure was to be adopted each new council immediately on its election needed to have before it particulars of the London candidates for these posts. A simple procedure was needed which could be applied quickly yet give the new councils a fair field of candidates.

36. We sought the views of the joint committees, the local authority organisations, the staff associations and other interested bodies on the following suggestions:

Method (1)

"The new appointments might be made from the staff of the authorities which were being merged, unless in a particular case there were exceptional circumstances. This had the practical advantage that during the period from May 1964 to April 1965 the clerk to the new borough would be able to prepare for the changeover while carrying on his existing duties with his present authority in the same group area."

Method (2)

"The areas might be grouped together in four zones. One zone would cover the inner London boroughs; and the outer London boroughs could be grouped in Essex, in Kent and Surrey, and in Middlesex. On this basis each new borough would consider candidates from all the areas within its zone, and the Commission would assist in co-ordinating the arrangements."

Method (3)

"A third method would be to extend the competition throughout the whole London area. The Commission would assist in the process by inviting applications from existing staff and circulating them to the authorities. We should not propose to prepare short lists ourselves. This would be left to the new authorities; or the joint committees could be asked to prepare provisional short lists in readiness for the new authorities."

37. We made it clear that whichever method was adopted some county officers must have the opportunity of being considered for some chief officer appointments with the new boroughs. We also referred to the special problems affecting the services being transferred to the new boroughs from the county councils, in particular Education, Health, Welfare and Children's services.

38. The replies from the joint committees showed that 24 of them preferred Method (1). This method was also preferred by almost all the local authority and staff associations. We took the view however that it would be unwise to seek to impose a uniform method on the new boroughs and although Method (1) was the most favoured, its universal adoption would have given no opportunity to senior officers to seek appointments outside their own areas. We thought this would not be in the general interests of staff. Also although new councils were likely to be influenced by the views of the joint committees they would be quite free to make their own decisions and might take a different view from the joint committees on the important step of appointing their own officers.

39. Although we were satisfied that the procedure we recommended would enable the appointments to be made by all new borough councils quite soon after their election we thought that the Commission should act as a clearing agency and supervise the operation, at least to the extent of receiving applications from staff seeking posts outside their own area, and sending such applications to the appropriate authority.

40. It is of interest that four joint committees raised objection to having to seek the consent of the Commission before being free to advertise their posts on the ground that as one committee put it, "such a requirement is an unwarranted fetter on the liberty which should be enjoyed by the new London boroughs in making such appointments". We recognised the reasonableness of this attitude when councils were making appointments in the normal way but in the exceptional circumstances of this reorganisation and in the interests of the staff we considered that there should not be "open" advertising of posts so long as suitable London staff were available to fill them. We always had it in mind that "suitability" was a matter for determination solely by the employing authority. When we were asked to consent to the advertising of a post our only concern was to be satisfied that the authority had decided that they were unable to make an appointment after giving proper consideration to the London field. It was never our intention to question the judgment of the appointing council even when we were pressed by staff associations to do so.

(2) CLERKS, TREASURERS, SURVEYORS

41. Our recommendations for the procedure to be followed by new councils for filling the posts of clerk, treasurer and surveyor, were accepted and promulgated by the Ministry of Housing and Local Government Circular No. 5/64 dated 13th February 1964. This Circular reiterated the general acceptance of our view that these posts should be filled as far as possible from officers serving in Greater London. Subject to this principle, we did not seek to impose any one of the methods suggested. Further, the Circular stated that we recognised most London borough councils would wish to make the appointments from candidates serving existing authorities within the same borough group and from among county council staff affected by the reorganisation.

42. Under the recommended procedure each council would have, immediately it was elected on 7th May 1964, particulars of candidates from within the same borough group, from county council staff affected by the reorganisation, and from other authorities within Greater London. "Local" candidates applied direct to the new borough. Applications from the staff of county councils and from the staff of borough and district councils for posts outside their local group were sent to the Commission. A single application only was required from each candidate who listed the councils by whom he wished to be considered. We sent copies of the applications to the new councils, usually via the clerks to the local joint committees. The closing date for receipt of all applications was 31st March 1964 and this allowed adequate time for the handling of applications before the election of the new councils.

43. Each new council considered together applications from (i) staff serving with the existing borough, metropolitan borough or urban district councils within the new council's area and from (ii) county council staff affected by the reorganisation. Before deciding whether these categories gave an adequate field of selection the council were asked to examine the applications from staff of other authorities in Greater London and consider whether any of those candidates should be included in the short list. As was confidently expected all clerks, treasurers and surveyors were appointed from Greater London candidates and no council needed to seek our agreement to advertise these posts over a wider field.

44. Under the London Government Act 1963 the Inner London Education Authority took over the education services for the 12 inner London boroughs which were previously the responsibility of the London County Council. We were therefore concerned only with the procedure to be followed for the filling of the posts of chief education officer by the 20 outer London boroughs.

45. The Ministry of Education* had advised us that although that Department had no control over the staffing of a local education authority the latter was required to submit to the Minister the short list of candidates from whom they intended to appoint their chief education officer (Education Act 1944, Section 88). It was never expected that this statutory requirement would cause any delay or difficulty regarding the choice to be made by authorities and it did not do so.

46. We were satisfied that the procedure for filling the posts of clerk, treasurer and surveyor should be adopted for filling the posts of chief education officer, subject of course to the submission of short lists to the Minister of Education. We also recommended that the councils should use the service of professional assessors when compiling their short lists and interviewing candidates.

47. The procedure was brought to the notice of the authorities and staff concerned by a circular letter issued by the Ministry of Education on 23rd March 1964—the closing date for receipt of applications was 15th May 1964.

48. As the Inner London Education Authority was to take over all the staff of the Education Department of the London County Council it was agreed that such staff should not be eligible for consideration for appointment by the outer London boroughs. They were of course eligible to apply for any posts ultimately advertised "without restriction" with the Commission's agreement.

49. Two authorities objected to the above procedure and immediately sought our agreement to advertise their posts nationally. Both the Ministry of Education and the Commission refused to depart from the procedure recommended so agreement to advertise was not then given. In one of these cases the authority duly received 12 applications under the recommended procedure but said they were "firmly of the opinion that this limited number of applications and the general calibre thereof does not provide them with a sufficient or good enough field from which to make the important appointment". Although deprecating the attitude of the Ministry and of the Commission the council nevertheless submitted a short list of five candidates to the Ministry of Education. In the event four of these candidates were appointed by other outer London authorities as their chief education officers and this council itself appointed the fifth one.

50. Although we had placed no restriction on the posts for which an officer could apply, it was brought to our notice that a number of divisional education officers had refrained from applying for posts in areas where they considered that an existing borough education officer had a prior claim. They were somewhat upset when "outsiders", although from within Greater London, obtained the appointments. We advised the officers concerned to submit belated applications to authorities which at that time had not made their appointments.

* Later the Department of Education and Science.

51. In view of the alleged unsuitability of the London applicants six councils wished to advertise their posts without restriction. They all agreed however to make a second effort to obtain suitable candidates from Greater London and four were successful. All but two of the 20 posts were in the end filled by education officers already serving in the reorganisation area.

(4) MEDICAL OFFICERS OF HEALTH

52. The transfer of the personal health services from the county councils to the new London boroughs and the merger of these services with the environmental health services already undertaken by the boroughs, created one of the major staffing problems of the reorganisation. The Ministry of Health wished councils to have as wide a selection of candidates as possible, although they accepted that the field should be limited initially to medical officers serving in London. (At the time the Act was passed there were 77 medical officers of health under the age of 65, in the various authorities concerned, and 85 deputy and senior medical officers, although a number of these were approaching the age of retirement.)

53. In general about three-quarters of the health services in the new London boroughs would be "personal" and about one-quarter "environmental". Although, ideally, there was merit in a view put forward that either the medical officer of health or his deputy should be a county man, we felt that it would be inappropriate for us to lay down any rule along these lines. At the same time it was appreciated the councils needed an adequate field of candidates if they were to appoint medical officers of health and deputies whose joint experience would enable them to undertake the organisation of both personal and environmental health work in a unified service. The particular interest of the schools medical service in the 12 inner London boroughs had also to be borne in mind.

54. We recommended to the Minister of Health that the procedure to be adopted for appointing medical officers of health should be that:

- (1) the post in each borough should be open to applications from medical officers then employed in any part of the Greater London area, including peripheral county council medical officers whose posts would be affected by the London reorganisation;
- (2) all applications should be submitted to the Staff Commission by 15th May 1964, i.e. only a few days after the new borough councils were elected;
- (3) authorities should make use of assessors in compiling short lists and in interviewing candidates;
- (4) we were willing to assist in the timing of interviews so that clashes could be avoided where a candidate was on two or more short lists; and
- (5) each inner London borough council was advised to consult the Inner London Education Authority before appointing its medical officer of health as he was to become the Principal School Medical Officer for the area of the borough.

55. The Minister of Health accepted the procedure recommended by the Commission and brought it to the notice of all authorities in Greater London in a circular letter dated 8th April 1964. He urged new councils to appoint their

medical officers of health by the middle of July 1964 so that they could participate in the preparations for the transfer of the services to their new boroughs.

56. In order to enable the above procedure to be adopted the Minister of Health gave a dispensation from the requirement of the Public Health Officers Regulations 1959 that all posts of medical officers of health should be advertised. Only three councils sought our agreement to advertise for candidates from outside the reorganisation area. They were asked to re-advertise their posts in London and each was able to make a suitable appointment from this second round. Thus all the medical officer of health posts were filled by staff already working within Greater London.

(5) CHIEF WELFARE OFFICERS

57. It was open to each new borough council either to appoint a separate chief welfare officer or to make the medical officer of health responsible for its welfare services. Where a council decided to appoint a separate chief welfare officer we said that the procedure for the filling of posts of medical officer of health should be applied. It was not thought necessary to have professional assessors, but councils were advised by the Ministry of Health that they should not hesitate to seek expert advice in short listing and interviewing candidates if they felt it necessary.

58. We agreed that if a council decided to appoint a separate chief welfare officer it should inform all county and county borough councils in the Greater London area (including the peripheral counties) of the proposed salary scale and the date by which applications should be submitted. These councils were also to be asked to tell members of their staff, i.e. those employed in welfare work, so that those who wished could make application through the Commission.

59. Eighteen councils decided to appoint a chief welfare officer in charge of his own department but nearly all the councils followed the same procedure for making appointments even where the welfare officer was not a chief officer.

60. The arrangement by which councils advised existing authorities of their decisions to appoint chief welfare officers proved somewhat cumbersome. A better course would have been for us to have acted as the channel of communication in respect of all these posts.

61. Of the 18 chief welfare officer posts 13 were filled by candidates from Greater London. Five councils obtained our agreement to advertise their posts over a wider field. In the 14 boroughs where the welfare officer was not of chief officer status, eleven of the posts were filled by staff already employed in welfare services in Greater London and only three of these councils sought, and obtained, our agreement to advertise their posts nationally.

(6) CHILDREN'S OFFICERS

62. The arrangements for the filling of posts of children's officers by the new London boroughs required very careful planning. We were advised that the volume of work in some of the new London boroughs would be as great as or greater than in boroughs of corresponding size in other parts of the country.

Further, new councils would have no experience of the administration of a children's service and the Home Office wished to ensure that the boroughs would appoint chief officers of sufficient calibre to establish and maintain an efficient service in this important social field.

63. When making our recommendations to the Home Secretary we referred to the important nature of this work and said that in the interests of the children themselves, officers already engaged in children's departments in Greater London should be given a fair chance of selection for appointment. We rejected the view, put to us in the early stages, that from the outset these posts should be open to candidates from all parts of the country.

64. Under Section 41 of the Children Act 1948 each new authority is required to submit to the Home Secretary the list of candidates from which it is proposed to appoint the children's officer and the Home Secretary in the exercise of his statutory functions may prohibit the appointment of any person on such list. In this connection we expressed to the Home Secretary the hope that he would pay full regard to the knowledge and experience of the staff already engaged in the work in Greater London when the short lists were under his consideration. This he agreed to do.

65. One of the difficulties we encountered was that the children's work of the county councils was not organised on a geographical basis corresponding to the areas of the new borough councils so it was not possible to have an arrangement parallel with that adopted for the appointment of clerks, treasurers and surveyors. Accordingly we recommended that candidates (and only those employed on child care work were to be eligible) should be placed into two categories by each appointing council. In Category (1) were those candidates working in connection with the geographical area of which the borough formed a part and all other London candidates were in Category (2). For example only L.C.C. staff were in Category (1) for consideration for appointment as children's officers with the 12 inner London boroughs; similarly only Middlesex candidates were in Category (1) for the "Middlesex boroughs" (Nos. 25-32).

66. The new councils were asked to make up their short lists from candidates in Category (1) and only if not satisfied that that category gave an adequate field of selection were the council to examine particulars of candidates in Category (2) and consider whether any of these candidates should be added to the short list.

67. The Home Secretary accepted our recommendations and notified existing and new authorities in Greater London on 14th May 1964. On our recommendation he advised the councils of the peripheral counties that it was their duty to determine which of the staff of their children's departments would be "affected by the reorganisation" and so be eligible to apply for these posts.

68. The Commission acted as a clearing house for all applications. Application forms were sent to us via the employing authority, namely the county or county borough council, so as to ensure that applications were restricted to officers eligible.

69. Although a common closing date for receipt of applications was announced, namely 31st July 1964, authorities were permitted to seek our agreement for earlier closing dates. In the event 19 of the 32 authorities asked for earlier dates and it now seems that an earlier closing date for all authorities might have been an advantage. We had to keep in mind however the probability that new councils would not all settle grading and salaries simultaneously, and this proved to be the case. Special action in fact had to be taken in some areas to ensure that no candidates were interviewed before being made aware of the terms and conditions of the post.

70. Consideration was given to several different methods of arranging interviews and selecting officers for appointment, bearing in mind the statutory obligation on authorities to submit short lists to the Home Secretary and his right to prohibit an appointment. In view of the varying rate of progress by the different authorities, a single timetable to be observed by all new councils was not practicable. Also it was not possible to devise a scheme whereby all eligible officers could be "vetted" by the Home Office before any applications were made or to avoid some duplication in the submission of names.

71. We consulted the Home Office about every request to advertise for candidates from elsewhere when an authority felt unable to appoint a London candidate. As far as the 12 inner London borough councils were concerned, ten of the children's officers were appointed from Greater London candidates so only two of these councils had to seek our agreement to advertise the posts without restriction. As expected, however, there were insufficient suitable candidates for posts with the 20 outer London boroughs and 13 authorities were given permission to advertise. These requests were not always granted at the first time of asking. We did not consent to any advertising until an authority was able to give an assurance that full consideration, including interviewing where appropriate, had in fact been given to Greater London candidates.

(7) BOROUGH ARCHITECTS, PLANNING OFFICERS

72. The London Government Act 1963 required each London borough council to appoint a borough architect not later than 1st April 1968, but we were asked by your Ministry to assure that many appointments would be made before 1st April 1965. There was no statutory obligation on the boroughs to have a planning officer, but your Ministry asked that we should also consider the procedure to be adopted by the boroughs for appointing planning officers.

73. It was known that there was a shortage of qualified architects not only in Greater London but throughout the country, and it was suggested to us that councils should be free from the outset to advertise nationally for candidates for the posts of borough architect, subject to preference being given to candidates serving within Greater London. We were also advised that there was a grave shortage of planning staff and it was unlikely, because of the limited planning functions previously undertaken by the existing borough councils, that many officers in London would possess the qualities required to undertake the duties of the most senior planning officers in the new London boroughs.

74. We found no justification for departing from our basic principle that as far as possible these posts should be filled by officers serving in Greater London.

At that time only eleven of the existing authorities had an architect of chief officer status although many authorities employed architects at quite high levels; on the other hand some authorities put their architectural work out to contract. In these circumstances new boroughs would be unduly restricted in the field of candidates if we were to require "local" candidates to have first consideration.

75. In view of the number of boroughs in which the field would thus be limited we thought that these posts should be open to any local government officers affected by the reorganisation serving in the Greater London area. Accordingly we asked the appropriate associations for their views on this different method of the filling of posts of architects as compared with that recommended for filling of posts of clerks, treasurers and surveyors. Although there was a greater probability that authorities might not appoint planning officers at chief officer level, but as senior officers serving in some other department of the authority, we thought that the procedure for making appointments of planning officers should be in line with that for appointing architects.

76. There was a divergence of views among those we consulted. Some wanted us to follow rigidly the procedure adopted for filling the posts of clerk, etc., others wanted to resort to national advertising from the outset; but the majority agreed that the first field should be local government officers serving in the Greater London area.

77. It had been suggested that not all authorities would wish to have a separate architect's department or separate planning department and therefore different methods of appointment of architect and of planning officer should be adopted according to whether or not he was to be a chief officer. We did not consider that a difference in status was sufficient ground for varying the method of appointment.

78. On the question of timing these appointments we were satisfied that as the Act provided for the appointments of architect to be made "as soon as reasonably practicable" it was necessary for us to settle without delay the procedure to be followed especially as we were aware that a number of authorities wished to appoint architects and planning officers during the summer of 1964.

79. After further discussions with your Ministry we recommended that when appointing the borough architect under Section 74 of the London Government Act 1963, and when appointing a planning officer, new councils should give first consideration to candidates serving with any authority in the Greater London area, including officers affected by reorganisation serving with the Essex, Hertfordshire, Kent and Surrey County Councils.

80. Our recommendations were accepted and issued by your Ministry in Circular No. 23/64 dated 3rd June 1964. The Circular announced that we would handle all applications from candidates from authorities in Greater London. The councils were asked to inform us by the 30th June 1964 of their plans for filling the posts of borough architect and of planning officer and to say whether they proposed to fill the posts straight away. We then asked existing authorities to notify their staffs of the posts which the new borough councils were

ready to fill. As and when other London borough councils after 30th June 1964 were ready to fill these posts they so informed the Commission and we set the same procedure in motion.

81. We found ourselves in danger of becoming involved in questions relating to the status of architects and planners and the relationship between architects, planners and surveyors. These matters were outside our scope and we refrained from expressing any views.

82. A number of councils advised us early in June 1964 of their desire to take early action to appoint architects and we issued our first list of eight posts on 10th June. During the next few weeks further lists were issued and 27 borough councils decided to appoint architects by 1st April 1965. Fewer councils decided to appoint separate planning officers—and not always at chief officer level—and we issued particulars of these posts on behalf of nine authorities.

83. As was expected several authorities found themselves unable to make an appointment from London candidates, but only six architects and one planning officer were appointed from outside London.

(8) DEPUTY CHIEF OFFICERS

84. The suggestion was made to us that authorities should appoint their deputy chief officers at the same time as they appointed their chief officers. This seemed impracticable from the point of view of the councils as well as detrimental to staff interests. Although it was desirable that the deputy should be in post soon after the chief officer was appointed the latter would need to be consulted about his deputy; this would not be possible if the two posts were filled concurrently.

85. We were satisfied that, subject to a few minor changes, the procedure for filling deputy chief officer posts should be that followed in filling the relevant chief officer posts. We specified common closing dates for the deputy chief officer posts and these were announced in Circular No. 31/64 on 4th June 1964; those in the health and welfare services were announced by Ministry of Health circular letter of 27th May 1964. We said we were prepared however to consider requests by authorities for earlier closing dates than those prescribed provided staff in London had adequate notice of the intention of a particular council to impose an earlier date.

86. It would have been less troublesome and perhaps simpler for intending applicants for posts if uniformity of closing dates could have been insisted upon. This however would have caused delay and inconvenience to those councils which were well advanced in their planning. Authorities did not all deal with their new services in the same sequence, and there were of course differences in local organisation.

87. Almost half—15—of the new borough councils asked for earlier closing dates in respect of one post or another, and we agreed earlier dates for 48 of the 148 posts within the scope of these arrangements. We agreed to the advertising outside London of only 25 posts of deputy chief officer, mainly in services being transferred from county councils. In all, the new councils appointed 240 deputy chief officers; of these 215 were already serving in Greater London.

(a) Health and Welfare Departments

88. As there were special features affecting senior posts in the new health and welfare departments we dealt with these separately from senior posts in other departments. The procedure we recommended was accepted by the Minister of Health and announced by his Ministry in a circular letter dated 27th May 1964. As far as health and welfare departments were concerned each new council had to decide what posts were needed and to choose suitably qualified and experienced staff to fill them. The posts which the Minister of Health considered should be filled by the prescribed procedure were those of senior medical officers (i.e. in the grade next below deputy medical officer of health) to take charge of particular sections of the health services; chief dental officers; chief administrative officers for the health services; principal nursing officers to co-ordinate and administer the health visiting, home nursing and domiciliary and midwifery services and/or officers in charge of one or more of these services; the senior social workers and/or principal mental welfare officers and the chief public health inspectors. Councils were reminded that as the health services being transferred from the county and county borough councils would constitute the major part of the health functions of the new boroughs it was most desirable, in the interests of the existing staff and in order to provide the new boroughs with suitably experienced officers, that county and county borough senior staff whose posts were affected by the reorganisation should have first consideration for senior posts with the new authority.

89. The procedure which we recommended was that each new borough council should obtain from the various councils administering the environmental health, personal and school health and welfare services covering its area lists of staff employed in relevant posts in those services, including those employed at county headquarters whose posts were affected by the reorganisation and who wished to be considered for the new posts. As far as possible the council should select candidates for each post from these lists but any council which felt unable to make a suitable appointment from such candidates should seek our agreement before inviting applications from staff working anywhere in the Greater London area, including staff of the peripheral counties whose posts were affected by the reorganisation. Where the Commission agreed that the field could be extended to Greater London the new council was required to send particulars of the post to each authority in Greater London (including the county councils of the four peripheral counties) and those authorities were asked to bring them to the notice of their staff concerned so that they could apply for the posts if they wished to do so even though their names had been included in a list given to some other borough.

90. Each inner London borough council was advised to consult the Inner London Education Authority before appointing professional staff who would spend part of their time on school health work, in order to settle with the I.L.E.A. the procedure for making these joint appointments.

91. The Minister of Health exercised his right to dispense with the requirements of the Public Health Officers Regulations 1959 (which require vacancies for public health inspectors to be advertised) in so far as chief public

health inspectors were appointed under the procedure recommended by the Commission.

92. Much useful exploratory work was done by joint working parties of officers of the London County Council and of the metropolitan borough councils. The working parties had reached agreement on the main structure and grading of the health and welfare departments in the inner London boroughs, apart from the posts of chief lay administrators. The L.C.C. considered that these posts should be reserved for L.C.C. staff but the boroughs thought it right—and we shared their view—that officers in the health service of metropolitan borough councils should also be included in the first field for consideration. The recommended procedure worked well, except in a few of the inner London boroughs. In these cases there was difficulty regarding the eligibility of certain L.C.C. officers, and we found it necessary to lay down criteria, within the framework of the arrangements, to ensure that all officers affected, whether employed by the L.C.C. or the metropolitan borough councils, would be considered for the posts for which they were eligible. Two inner London boroughs were rather “quick off the mark” in filling certain posts and the other inner London boroughs had some ground for complaint that in consequence the field of candidates was more restricted than had been expected. They felt that they had been placed at a disadvantage because all 12 authorities did not take action concurrently. We were able, with the helpful co-operation of the L.C.C. and the remaining ten boroughs, to make arrangements which prevented any further cause for complaint.

(b) Other Departments

93. In respect of senior posts other than the chief and deputy chief officer posts covered by specific recommendations, we were asked to consider whether “competitive” arrangements should be applied to the filling of all posts which were treated by the employing authority as being of chief officer status. This would have meant that the new councils would have considered candidates from Greater London and not merely the staff of the constituent authorities of the new borough. We decided however that the determining factor should be the nature of the post, e.g. head of service such as librarian, rather than the status to be given to a particular post by a new council. Accordingly we recommended that a uniform procedure should be adopted for filling the posts of heads of departments or services (whether or not regarded as chief officers) not covered by procedures already announced. Our recommendations were accepted by the Government Departments concerned and were included in a circular issued by your Ministry on 4th June 1964 (Circular No. 31/64).

94. We recommended that when making these senior appointments the new councils should obtain from the councils forming the new borough, and in the case of transferred services from the county council concerned, lists of staff administering those services in or in respect of the new borough. If having considered the officers included in these lists a council felt unable to make an appointment from such candidates the Commission were ready to agree that the council might invite applications from officers employed by other authorities in Greater London, including county council staff affected by the reorganisation, and subsequently “without restriction”. This procedure was followed also when councils were filling the posts of deputies to these heads of departments or services.

95. In March 1964 we issued a Memorandum on the functions of the Commission, as a guide to members of the new authorities when they were elected—the Greater London Council in April and the borough councils in May 1964. In that Memorandum we mentioned that new authorities would have to consider how they could best meet their staffing needs by the assimilation of the employees who would be coming to them on 1st April 1965 from two or more existing authorities. We stressed the importance of fair and equal treatment for all employees, particularly where one of the authorities in the group was much larger than the others. We emphasised that as each authority was a new body the staff from the smaller existing authorities in the area must not be made to feel they were merely being absorbed into an expanding organisation centred on the larger authority. In the case of manual workers we believed that as most manual workers were attached to depots they were likely to continue to work from the same depot, although in some cases there might be readjustments because of the change of local area.

96. On 29th June 1964 we wrote to all new authorities about the general arrangements for the transfer of staff to them, and then said that normally officers would be transferred at their appropriate salary level for the filling of posts with their new authority. We pointed out however that where a council required more officers at a particular level than were being transferred at that level, and the deficiency was to be met by promotion, equal consideration should be given to the suitability of all officers in the field of selection for promotion irrespective of the particular authority from which they were being transferred. Although questions of grading of posts, salaries and the like were not the concern of the Commission we expected the new authorities to take full account of all the circumstances of an officer's employment with his former authority when making their appointments. The officer's responsibilities and qualifications as well as his salary and grading were to be given due consideration.

97. At the end of July 1964 we advised new councils that where they wished to fill subordinate posts before 1st April 1965 the procedure laid down in the Ministry of Housing and Local Government Circular No. 31/64 for filling head of department appointments should be followed. This meant that these posts should be filled if possible from amongst staff of the existing authorities forming the new borough, or from the county council staff affected by the reorganisation. If the council were unable to make an appointment from these candidates the council were to seek our agreement before inviting applications from officers employed by other authorities in Greater London and if need be "without restriction".

98. In cases where we subsequently agreed to advertising without restriction we laid it down that the advertisement was to say that preference would be given to Greater London candidates and that the Commission had agreed to the post being advertised in this way.

99. At the beginning of October 1964 we were able to relax the arrangements for the filling of certain types of posts by the old authorities. We made it clear however that new councils should continue to observe the above procedures pending our review of the arrangements in the light of reports on the staffing

position of new authorities which were being received. It was not until the end of November 1964 that we felt able to grant certain relaxations regarding the filling of subordinate posts by new councils and, as stated in Chapter IX, paragraph 210, it was not until 14th July 1965 that we were able to announce the termination of these arrangements.

(11) COUNTY OFFICERS "AFFECTED BY REORGANISATION"

100. In applying the principle that as far as possible posts with the new authorities should be filled by officers serving in the Greater London area, there was in general no difficulty in deciding which officers were eligible for first consideration. The question of identification was not so simple in the case of staff employed by the County Councils of Essex, Hertfordshire, Kent and Surrey. Some county services operating in the areas of the new boroughs were to be transferred to the new London authorities but the extent to which senior county staff should be eligible for consideration was by no means clear cut, particularly where their duties were on a functional basis and covered a wider area than that to be transferred.

101. We decided that the test should be whether or not an officer was "affected by reorganisation". Even this however gave rise to difficulties of interpretation. There was no uncertainty in the case of officers working in divisional offices of the peripheral counties which served an area to be transferred to one of the new boroughs or the Greater London Council. The difficulty arose at headquarters offices of the counties. After consultation we decided that the test of whether a county officer was "affected by reorganisation" should be whether by reason of the extension of boundaries of the Greater London area, or of the transfer of a particular service from the county to a borough, there was likely to be a significant change in an officer's duties to the extent, for example, of requiring his transfer to a new authority or requiring his re-allocation within the county organisation.

102. We realised that in some cases the question of disturbance would be one of degree. This was essentially a matter for individual determination and it was not practicable for us to attempt to give rulings on individuals. We decided therefore that the Clerks of the relevant county councils should decide on the application of the formula in individual cases. We wrote to the Clerks at the end of April 1964 giving them this guidance and suggested that in applying the test they should give the benefit of any reasonable doubt to an officer who wished to apply for one of the new posts.

103. In the event there were some differences in interpretation by the four county Clerks concerned and we had to try to secure uniformity between them without undermining their authority. A few officers felt aggrieved when the Clerks ruled that they were not eligible to apply for new posts, but we refused to question the rulings given. We felt that this was the only practicable arrangement to deal with the situation and that it would be wrong for us to act as arbiters on individual cases. For the most part the arrangement worked well.

CHAPTER V

FILLING OF POSTS BY THE GREATER LONDON COUNCIL

104. The recruitment of staff by the Greater London Council called for special consideration, not only because of the numbers involved and the unique nature of its functions, but because the Council was to supersede two very large county councils—the London and Middlesex County Councils—and to become responsible for some services undertaken by the peripheral counties and the county borough councils in the Greater London area. The fire and ambulance services, refuse disposal and motor taxation work were to pass to the Greater London Council as well as certain services relating to housing, parks and open spaces. Certain highway and traffic functions of the Ministry of Transport were also to become the responsibility of the Greater London Council. Education services previously undertaken by the London County Council in respect of the inner London boroughs were to go to the new Inner London Education Authority.

105. In assuming these functions the new Council had to look primarily for its staff to those employed by the two county councils and, to a limited extent, by the four peripheral counties and the three county borough councils of Croydon, East Ham and West Ham. But to add to the difficulties of reorganisation not all the services of the London County Council and Middlesex County Council were going to the Greater London Council, and many of the staff of those county councils had to be allocated to the new boroughs with such services as children's, health, welfare and, in the case of Middlesex only, education.

106. Apart from these organisational problems, which had serious repercussions upon staff allocations, there existed an entirely different staffing structure in the London County Council as compared with that of the Middlesex County Council and the other councils in the Greater London area. Staff representation in the London County Council was almost self-contained in three staff associations whose membership was limited to officers serving with that Council. But there were also some London County Council officers who were members of national staff or professional organisations.

107. It was always our intention that when making appointments the Greater London Council should adopt the same principle as that followed by the new London boroughs, viz., to the greatest possible extent posts should be filled by local government officers serving in the Greater London area. We sought the views of Government Departments, of the Joint Committee for the Greater London Council, and of the various staff and other organisations on possible methods of applying the principle. We had hoped that the Greater London Council would be able to fill its senior posts (down to the level corresponding

with chief and deputy chief officers in the boroughs) before the boroughs commenced to interview candidates. Our early soundings showed that the Council could not be so far advanced and in any case, apart possibly from some specialist posts, there were not likely to be many senior officers of the London County Council or Middlesex County Council who would be serious competitors for borough appointments.

108. Some new chief officer posts with the Greater London Council were without parallel in the boroughs. These posts could be identified as those which the Council should advertise from the outset, subject to first consideration being given to London applicants. Examples in this category were cited by your Ministry as the traffic department which would be quite new, and the ambulance and fire services which would have a new structure. In this situation we accepted that the field of selection would be unduly restricted if the Council were obliged to limit applications to the Greater London area.

109. Our recommendations were accepted and, as announced by your Ministry's Circular No. 17/64 dated 9th April 1964, they were:

"(i) In appointing chief officers and deputy chief officers, the Greater London Council should give first consideration to officers of the London County Council and the Middlesex County Council, and in the case of services to be wholly transferred to the Greater London Council from the county boroughs of Croydon, East Ham and West Ham to officers of those councils also.

(ii) If unable to make an appointment from the above field, the Greater London Council should advertise the post. Applicants responding to the advertisement should be put into two categories:

- (a) those employed by local authorities in Greater London;
- (b) others.

First consideration should be given to those in the first category, and this should be stated in any advertisement that is published.

(iii) Where a service is being transferred solely from the London County Council the Commission assume that the chief officer and deputy chief officer will be drawn from officers of the London County Council's service.

(iv) In the case of posts which have no comparable precedent in the London County Council and Middlesex County Council, or where only one of those councils already has a comparable post, the Greater London Council should proceed from the outset to advertise for chief officers and deputy chief officers. Again first consideration should be given to any applicants from authorities in Greater London. (The Council are asked to consult the appropriate Government Department where there is any doubt whether a post has adequate precedent in Greater London.)"

110. There was general agreement among all the organisations consulted that below the level of deputy chief officer, senior posts should be filled by the assimilation of transferred staff and we recommended accordingly. We were satisfied that the Greater London Council would meet their requirements in respect of such posts as far as possible from staff of the London County Council, Middlesex County Council and, in respect of the transferred services,

staff of the peripheral county councils and of the three county borough councils, but we asked to be consulted before the Greater London Council sought staff from outside Greater London.

111. In practice the arrangements worked well, and as could be expected, for those chief and deputy chief officer posts in the Greater London Council which were, in a broad sense, comparable with existing posts in the London County Council, Middlesex County Council or other authorities in Greater London, the field of selection referred to in paragraph 109 above proved adequate. We received representations that too great a proportion of the Greater London Council posts were being filled by London County Council staff, but we were satisfied after enquiries that candidates from other authorities in the Greater London area were being given full consideration.

112. There were some chief officer posts in respect of which the Council found it necessary to advertise for candidates from a wider field. Representations were made by staff organisations to the Commission about this action of the Council but again we were assured that the Council had carried out the recommended procedure and had given first consideration to London candidates.

113. Posts in the third, fourth and even the fifth tiers of the Greater London Council structure carried salaries higher than, or at least as high as, some chief officers posts in the London boroughs. In a number of instances the Council sought our agreement to advertise for candidates for some of these posts over a wider area than Greater London. Where agreement was given we obtained assurances from the Council that London candidates would be given first consideration. In one or two cases we withheld our consent until the claims of officers due to be transferred to the Council were further considered.

114. Despite the close co-operation which we had with the Greater London Council the two principal staff associations representing transferred officers jointly made representations to us at the end of January 1965 about the filling of posts in certain departments. The associations complained about the nature of the consultation between the Council and themselves. They felt that transferred officers were being required to compete with outsiders and were not being given prior consideration. The associations had made similar representations direct to the Council at about the same time as they came to see the Commission. We discussed the position with the Clerk to the Council and were satisfied that consideration was first being given to transferred officers and every endeavour was being made to see that such officers were "seen, selected and told of their selection before the external candidates were dealt with". We were also assured that there would be consultation with the staff representatives about staff complements, and that facilities had been provided for staff organisations to discuss problems, if need be, with two or three members of the Council's Establishment and Supplies Committee and the appropriate officers.

115. For grades of staff not dealt with specifically the gradual relaxations of the restrictions upon recruitment from outside London which operated in the new London boroughs were applied at the same time to corresponding categories of officers required by the Greater London Council.

116. The size and complexity of the organisation of the Greater London Council were such that it was not possible for a single estimate to be made of the staffing requirements and in fact we received by instalments 26 estimates covering various departments and sections from 25th November 1964; the last one was submitted to us on 6th April 1965. The estimated staff complements submitted showed that, apart from the staff requirements of the Inner London Education Authority, the Greater London Council would probably require about 13,000 Officers as against about 10,500 to be transferred to that Council, mainly from the London County Council and the Middlesex County Council. Only in two branches was it expected that the number of officers to be transferred would exceed the complement.

CHAPTER VI

TRANSFER AND ASSIMILATION OF STAFF

117. The provisions for the transfer on 1st April 1965 to the appropriate new authorities of all local government officers (including manual workers) whose functions were to be taken over by another authority, under the London Government Act 1963, were contained in the London Authorities (Interim Action) Order 1964 and the London Authorities (Staff) Order 1965. Some slight additions to the latter Order were made by the London Government Order 1965.

118. We were consulted by your Ministry at all stages about the provisions to be included in these Orders for safeguarding staff interests. The Orders ensured that every officer would have a post to go to on 1st April 1965 but it was not always appreciated by the staff that such right of transfer did not carry with it a right of continued employment with the new authority. What the Orders did provide was that so long as a transferred officer continued in the employment of his new authority by virtue of the transfer he was entitled to certain safeguards under Section 85(3) of the Act.

119. As mentioned in Chapter IV, paragraph 31, we always realised that new councils would need their chief officers and some senior officers, either whole or part time, long before 1st April 1965. We were concerned to ensure that such officers should not forego any rights under the Act by accepting appointments before the date of their statutory transfer. Your Ministry accordingly made the Interim Action Order on 11th May 1964, which provided that in the case of any officers employed by an authority affected by the reorganisation being appointed by a new council such appointment should not result in his employment by the new council until 1st April 1965. Meanwhile his employment with the old authority would continue and the two authorities were empowered to make the necessary arrangements for the apportionment of the officer's services, salary, etc., during the interim period.

120. Your Ministry expected that appointments made before 1st April 1965 would "generally be confined to chief officers and their deputies and to certain heads of departments and their deputies". In practice however many authorities made appointments under the Interim Action Order of officers at much lower levels operative from but not before 1st April 1965. This was sound practice as it enabled consequential staff adjustments to be made with minimum inconvenience.

121. We were frequently asked by authorities and by staff associations for advice about the Interim Action Order, its application to particular appointments and its effects on the interests of individual officers. There were some instances of misunderstanding of the provisions both by councils and staff, and some matters were raised which we considered were for settlement through the normal joint negotiating machinery.

122. Although drafts of the main Order dealing with transfer of staff were circulated by your Ministry to the authorities, and the various organisations, during the summer of 1964 the Order itself was not made until the end of January 1965. Authorities and staff therefore had to take provisional action in the autumn of 1964 on the assumption that the general principles of transfer would be those given in the draft Order. This time lag caused some uneasiness in the minds both of authorities and staff, and in December 1964, in agreement with your Ministry, we issued a leaflet (S.C.L. No. 1—copy of which is reproduced as Appendix No. 2) for wide circulation amongst staff to allay doubts and fears.

123. The staff of each new borough council was to be recruited from the old councils in the new borough area, and in respect of transferred county services from among county council staff. In the former case there was no question of allowing staff to go to a different borough area from the one in which they were serving. In the case of county staff the allocation might be to one of a number of borough councils within the existing county area. These were known as "specified councils". At the beginning of August 1964, in agreement with your Ministry, we wrote to the Clerks of the six county councils concerned—Essex, Hertfordshire, Kent, London, Middlesex and Surrey—asking them to draw up the allocations of their staffs in accordance with the provisions of the draft Order. We also asked them to have regard to the personal circumstances of the officers to be transferred with a view to minimising hardship and as far as possible to take account of their personal preferences. County councils earlier in the year had obtained from their staffs an indication of their preferences regarding allocations, and although an expression of preference could not of itself result in a transfer to a particular "specified council" it was of considerable advantage to the councils to have this information available when allocating their staffs.

124. Some county officers wished to go to a new borough council in another county area. Staff associations expressed their concern lest an officer by expressing a preference of this kind would thereby secure a transfer to such a borough council which would be detrimental to officers who were compulsorily transferred to that council. In their view the preference must be supported by evidence of personal hardship before a change was made in a proposed allocation. We accepted this view and advised county councils that when drawing up schemes of transfer they were not to seek posts for their officers with a council other than one of the "specified councils" except where hardship would otherwise be caused. We are satisfied that county councils faithfully followed our advice in allocating staff. They were faced with a most difficult task, especially in relation to county hall staff employed on borough functions but whose personal posts could not be related to any particular borough of the several to which the service as a whole was being transferred.

125. In practice some friction arose between the county councils, which made the schemes, and the new boroughs involved. This in the main was due to shortages of staff with the peripheral county councils. These shortages made it impossible for the counties to transfer the numbers of staff which the boroughs considered were necessary to man the services coming to them. We had told your Ministry in February 1964 that we thought an issue of this kind

related primarily to the maintenance of an efficient public service rather than to staff interests. We felt therefore, and we followed this line when questions did arise, that such matters should be handled by your Ministry or other Government Department concerned with the service. On the other hand we found towards the end of 1964 that some staff employed by Middlesex County Council could not be given information about their allocations because of difficulties about the implementation of the scheme for transfers to the Middlesex boroughs. To help to facilitate the transfer arrangements we held a meeting of the establishment officers concerned and found that only a few marginal cases were causing delay. These were quickly resolved and we were impressed by the obvious desire on all sides to establish and maintain good relations between the new councils and the staff to be transferred to them from the county council.

126. Different interpretations were placed upon the term "make schemes" for the distribution of staff and their transfer to new authorities and this resulted in some delay on the part of scheme making authorities in telling their staff about their allocations. The position was discussed with your Ministry at the beginning of February 1965 and the authorities concerned were advised as to the intention of the Order so that the officers involved could be notified of their transfer without having to wait for the council formally to complete its scheme. Only in one area was there serious delay in allocating a few individual officers because the two authorities concerned were unable to reconcile their views. The Commission were asked to intercede at a very late stage indeed and we were able to secure agreement between the councils.

127. Special problems arose in connection with the transfer of staff in such services as weights and measures, refuse disposal, fire brigades, and of certain members of the Essex Constabulary, e.g. vehicle drivers. These were resolved satisfactorily although in the case of weights and measures and refuse disposal staff—whose initial transfers were known to be on a temporary basis pending the setting up of the long term organisation—we recommended that such staff should retain the protection afforded them by the Act when their permanent allocations are made. This could well be some considerable time ahead.

128. We constantly impressed upon all authorities our view that officers should know well before April 1965 the new authorities to which they were allocated. In March and June 1964 we asked new councils to consider how best they could assimilate the officers coming to them and in particular to take "great care to give fair and equal treatment to all". We also said that staff whose place of employment would be unchanged (e.g. because the Town Hall of their old authority had been chosen as the Town Hall of the new) did not thereby have any preferential rights regarding seniority, promotion, etc., as against colleagues coming from elsewhere. For manual workers few problems arose as in general most of them continued to work from the same depot.

129. We pointed out, in our June letter, that although questions of grading, salaries and the like were matters to be settled by the new authorities (subject to the agreed arrangements for joint consultation and negotiation) we would expect them to take full account of all the circumstances of an officer's employment with his former authority when making new appointments. Where more officers at a particular level were needed than were to be transferred

at that level, and the deficiency was to be met by promotion, we asked that equal consideration should be given to the suitability of all officers in the field of selection irrespective of the particular authority from which they were being transferred.

130. The assimilation of officers from several different authorities making up each new authority was by no means easy. Quite a number of officers felt that they had grounds for complaint despite protected salary scales—and sometimes improved salaries—because of their place in the structure of the new authority. The following are examples:

- (1) a deputy chief officer from a small authority was aggrieved by his fifth tier post in a new outer London borough, even though with a slightly higher salary, because the loss of status would affect his chances of becoming a chief officer;
- (2) a senior assistant (third tier) in a metropolitan borough who was assimilated at sixth tier in a new inner London borough with salary unchanged objected to loss of status, and also alleged that he had not been fairly treated because less qualified officers from the other authority were placed above him; and
- (3) a senior shorthand-typist assimilated as a Clerk (General Division) complained on grounds of loss of professional skill and reduced promotion prospects as, not being a trained clerk, she could not compete on equal terms with others in the clerical grade.

131. All we were able to do in these and similar cases was to satisfy ourselves that the officer's claims for assimilation at a higher level or in a different grade had been considered by the new council in accordance with the principles we had laid down. It was of course unavoidable that under the reorganisation some officers found themselves in posts having a status inferior to that which they had previously enjoyed.

132. We were pressed quite strongly by some staff associations to make special provision for dealing with appeals against the grading of particular posts with new borough councils. They contended that the normal appeals machinery did not give adequate safeguards to staff affected by the reorganisation. Although it had already been made clear that we were not concerned with the grading of posts we felt it incumbent upon us, in the interests of staff, to be satisfied that there was no uncertainty about the grading appeal arrangements. In the outcome certain changes were made in the grading appeals machinery in its application to the London reorganisation which were acceptable to the staff associations and we were then satisfied that there was a proper channel through which an aggrieved officer could appeal against the grading of his new post.

133. As well as knowing the new council to which he had been allocated an officer needed to know as soon as possible about the salary and other terms and conditions of his new post. In an attempt to ensure that officers would be told without delay about their new posts your Ministry in Circular No. 5/65, which accompanied the issue of the London Authorities (Staff) Order 1965, reminded authorities of the responsibility which rested upon them "to have regard at all times to the interests of staff who will be transferred to their employment"

The circular then said the authorities "must give priority to the task of notifying their new employees of the posts which they will occupy after 1st April 1965" and pointed out that the Order made it clear that "a new authority may serve a statement in writing of terms and conditions of employment before 1st April 1965 which statement would take effect on that date". A less formal method could be used and the written notice served later and your Ministry saw "no general reason why officers should not receive this information by 1st March 1965".

134. In view of our general responsibilities in connection with staff interests and in particular our review of the arrangements for the transfer of staff we asked all new authorities on 30th April 1965 to let us know the extent to which statements in writing of new terms and conditions of employment had been served on transferred officers under Article 13(1) of the London Authorities (Staff) Order. Such information was also of use to us in connection with the determination of the closing date for the receipt of hardship appeals (see Chapter VII). Replies showed that three borough councils had issued the written statements before 1st April 1965. Twenty-four councils (some of which had already served notices on most of their staff) hoped to complete the work by the end of September 1965. At that time five councils were not able to say when they would be issuing written notices. The Greater London Council intended to introduce a new grading system and did not expect to be able to start the issue of written statements for some months.

135. When your Ministry were preparing the draft Order it was assumed by all those who were consulted that any questions arising under the Order as to whether new terms and conditions of employment were not less favourable could be settled by the normal negotiating machinery. Some doubts arose after the Order was made however and although at the time this Report is being prepared that assumption seems to have been justified there is some uncertainty as to whether all types of questions could in fact be dealt with by the normal machinery. We feel that it would have removed uncertainty and therefore might be desirable in any similar reorganisation elsewhere to provide a means whereby in the absence of an agreed settlement a final and binding decision can be obtained by the individual officer concerned as is the case with questions about the "reasonably comparable" nature of the duties of his new post.

CHAPTER VII

PERSONAL APPEALS AGAINST TRANSFER

136. At the time of our appointment we were asked to consider whether special appeals machinery should be available to individuals who felt aggrieved by the way they would be affected by the transfer arrangements. In exploratory talks in the summer of 1963 the staff associations also raised with us the possibility of enabling individuals to appeal either against transfer to one authority rather than to another, or against their failure to win a post for which they considered their past experience particularly fitted them. We at once realised that no matter how firm the principles governing the transfer of staff, some individuals would feel aggrieved, either because of their selection for transfer from for example a county to a borough, or because their allocation to a particular authority was likely to cause hardship or was against their personal preference.

137. The draft Transfer of Staff Order included provision for the transfer of staff to new councils according to the premises where they were employed or the functions upon which they were engaged. In this respect the only question likely to arise was whether an officer had been properly identified within the definitions of the Order. This could be clearly separated from the issue of personal hardship, and we made a clear distinction between (i) appeals against selection for transfer; and (ii) personal hardship appeals. We consulted all the staff associations, local authority associations and the county councils and other councils concerned about the arrangements we had in mind. There was complete agreement that the two types of case should be dealt with separately.

138. It seemed likely that appeals on either or both grounds mentioned were most likely to arise in the case of staff employed by the county councils and, to a much lesser extent, staff employed by the three county borough councils who were due to be transferred to the Greater London Council, and staff of the "divided" areas (e.g. the Metropolitan Borough of Wandsworth and the Urban District of Chislehurst and Sidcup) who would be transferred to either of the two new London boroughs taking over the functions of their former authority.

APPEALS AGAINST SELECTION FOR TRANSFER

139. It had been suggested to us that many officers would wish to appeal against their selection for transfer, particularly among those to be transferred from the peripheral county councils to the new London boroughs. It was thought too there would be some London County Council and Middlesex County Council staff who would object to selection as being "wholly or substantially so employed" on borough functions, because they would prefer to remain in a county service. We were anxious however that whether the number of appeals was large or small each individual should be able to present his point of view.

140. We considered that where an officer was dissatisfied with the decision of his employing authority on his selection for transfer, he should have a right of appeal to an arbitral statutory body. Any such question was primarily one of fact and disputes could be determined only after the taking of evidence from the authority concerned and the officer affected or his appropriate association. After such enquiry the decision should be final and binding under the Order itself.

141. We were aware that questions of comparability of employment and compensation for loss of employment or for loss or diminution of emoluments were to be dealt with by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor. Such questions, of course, could not arise until after the appointed day, 1st April 1965, but questions regarding the selection for transfer would arise well before that time and indeed had to be settled before then.

142. We thought that this tribunal would be an appropriate body for determining any appeals against selection for transfer. With the Ministry's consent we approached the Ministry of Labour who, after consulting the Lord Chancellor's office, agreed that these tribunals could be used for this purpose and that they would be established as required before the end of 1964. The willingness of the Ministry of Labour to co-operate in this way enabled us to make our formal recommendation for dealing with such cases. This was that any question arising as to whether an officer was either:

- (a) wholly or mainly employed in or from particular premises; or
- (b) employed wholly or substantially so on functions relating to the area of a new council,

should be determined by the referee or board of referees appointed by the Minister of Labour in consultation with the Lord Chancellor. Our recommendation was accepted and appropriate provisions were included in the London Authorities (Staff) Order 1965.

143. The Order also provided that appeals could be lodged at any time between the date of the operation of the Order (30th January 1965) and 1st April 1965, or at the expiration of 28 days from the time when an officer was told of his new allocation by his former employing authority whichever was the later. Two appeals only were made; one failed and the other is in abeyance because of long term illness of the appellant.

144. In order to give statutory effect to this apparently simple arrangement a complete and lengthy Schedule was incorporated in the London Authorities (Staff) Order 1965 so as to specify every authority and every circumstance in which a question could arise and to ensure that the decision of the appeal tribunal would be correctly implemented. We have no reason to doubt that authorities exercised great care in identifying officers for transfer but the complexity of the Order might have deterred some individuals from appealing, and we hope that the comparable provisions of any future Order might be simplified.

HARDSHIP APPEALS

145. We gave special consideration to the question whether individual officers affected by the reorganisation should have a right of appeal against their

transfer on grounds of personal hardship. We had already stressed the importance of authorities advising individual officers of their proposed allocation to another authority as soon as possible, so that staff problems could be resolved well before the date of transfer. We had also urged upon authorities the desirability of meeting personal preferences, particularly where staff were to be transferred to boroughs from the counties.

146. Under the draft Order dealing with the transfer of staff, the London and Middlesex County Councils could arrange for transfer to a new London borough council other than one of the "specified councils" upon consideration of the personal circumstances of an officer. There was a similar provision relating to the four peripheral county councils. In considering how these provisions could best be applied in the interests of the county council staff affected, we took the view that in the first place adjustments should be made only within the limits of the "specified councils". Where however a county council was satisfied that allocation to any "specified council" would involve hardship, the county council could seek the agreement of some other borough council to accept the officer.

147. We relied upon the authorities to act reasonably in allocating their staff to the new boroughs and by paying attention to the personal circumstances and preferences of individuals we hoped that hardship would be kept to a minimum. But some services were already short of staff; available staff had to go where they were needed and the interests of the public service had to be met. Some inconvenience or even hardship was bound to result from such a large scale reorganisation and the Minister had so informed the staff. We also had to bear in mind that staff who wished to protest against their allocation could go to their employing authority and ask for a re-allocation, or a staff association could go to the authority on behalf of its members. We had no wish to disturb these relationships. It was therefore by no means clear that further appeal arrangements were necessary or could be justified. We decided however that there might be cases where an officer still felt aggrieved at the allocation proposed for him, even after taking the steps open to him to make representations to his own employer. Also the staff generally would feel more confident that their interests were fully safeguarded if they knew they could appeal to an independent authority. Before making recommendations to give effect to this decision we consulted the various staff and local authority associations and outlined to them various possible methods.

148. It seemed to us that the statutory machinery for dealing with disputed questions of comparability of employment and with questions of compensation payments under Sec. 85(3) of the London Government Act 1963, was not appropriate. Personal hardship cases required different treatment. The decision on a case would not depend on an interpretation of the Act or the Order dealing with the transfer of staff but on a judgment of the personal circumstances of an individual. The decision might indeed be contrary to the overriding public interest. The normal negotiating machinery hardly seemed appropriate to deal with such appeals and in any case a large proportion of the staff affected by the reorganisation, e.g. those employed by the London County Council, were not subject to the National Joint Council agreements. We decided therefore to seek the co-operation of authorities and staff associations in a system based on voluntary methods.

149. We suggested that there should be a Local Appeal Committee for each county council and county borough council and for each of the "divided" areas. Each committee would consist of an independent chairman, one or more council members and a corresponding number of members representing the staffs of the council. We asked for views on a suggestion that a further right of appeal to a central body might be allowed.

150. We were able to obtain the agreement of the associations of authorities and of staff to our proposals for a voluntary system of appeals and we were pleased to receive assurances on behalf of the authorities, old and new, of co-operation in trying to give effect to the decisions of local appeal committees where appeals were successful. In the case of manual workers the Trade Union Side of the National Council for Local Authorities Services (Manual Workers) were content to rely upon the appeals machinery which existed under the National Council. We accepted this arrangement for manual workers but made it possible for a manual worker to appeal under the procedure suggested above if he was not a member of his Union. In fact most manual workers remained with the premises to which they were attached under the old authority.

151. The main staff associations asked for the establishment of a central appeal board but there were objections from several of the employers' associations and professional bodies. We finally took the view that the setting up of a central hardship tribunal, to which exceptional cases could be referred after consideration by the local committee, would detract from the informal nature of the machinery and also prolong the proceedings unnecessarily.

152. We therefore recommended that the decisions of the Local Appeal Committees should be final but, in order to ensure reasonable uniformity in the acceptance of the grounds of hardship, an Appeals Commissioner should be appointed to give central guidance to the Local Appeal Committees as to the circumstances in which, and the extent to which, personal hardship should be held to justify the re-allocation of an individual.

153. In order to go some way towards meeting the requests of the main staff associations for a central appeal board, we further recommended that the Appeals Commissioner should examine all decisions of the Local Appeal Committees before they were notified to the appellant, and where it seemed to him appropriate he would return a case for re-hearing by the Committee.

154. These recommendations were contained in a Report submitted to the Minister on 13th August 1964 and accepted by him. The Lord Ilford, Q.C., former Chairman of the National Assistance Board, who had a wide knowledge of local government affairs, accepted the invitation to become the Appeals Commissioner with an independent command within the Commission. We are grateful to Lord Ilford for the way in which he carried out his duties. His legal experience and sympathetic understanding of human problems made him particularly well suited for this important task.

155. We were asked by your Ministry to set up the Local Appeal Committees to deal with appeals on hardship grounds from officers who were employed by the London and Middlesex County Councils, by Croydon, East Ham and

West Ham County Borough Councils, from officers affected by the reorganisation employed by the peripheral county councils, and from officers employed by the four borough or district councils (i.e. the "divided" areas) who could be transferred to either of two new London boroughs. The local authorities concerned were invited on 10th October 1964 to set up the Committees and to appoint, in consultation with representatives of their staff, the independent chairman, unless they considered the number of appeals expected from staff in their area was likely to be so few as not to justify this action.

156. Altogether six Committees were formed by the end of 1964, viz., by the Essex, London, Middlesex and Surrey County Councils, by the Wandsworth and Battersea Metropolitan Borough Councils jointly and by the Chislehurst and Sidcup Urban District Council. As soon as the chairman of each Committee had been appointed (and a deputy chairman in the case of Surrey County Council) the Appeals Commissioner met and discussed with them their duties in relation to his main function which was to co-ordinate the decisions made by the Committees with a view to ensuring uniformity.

157. Prior to this meeting, the Appeals Commissioner had asked for the views of the associations representing the staff and local authorities in Greater London on the principles of hardship and he had prepared a Memorandum for the general guidance of Local Appeal Committees which set out the procedure to be adopted by the Committees and indicated in general terms the principles to be followed by them in reaching decisions.

158. In this Memorandum the Appeals Commissioner did not attempt to define "hardship". He did, however, indicate the circumstances which he considered most likely to give rise to appeals and set out the matters which the Local Appeal Committees should endeavour to establish and upon which their decisions should be based.

159. The Commission are much indebted to the Chairmen and Members of the Local Appeal Committees for the careful and thorough manner in which they discharged their task. The Committees followed closely the Memorandum prepared by the Appeals Commissioner and they had clearly been at pains to establish in evidence the facts suggested as essential in the Memorandum. No appeal had to be returned by the Commissioner to the Committee which had heard the appeal for further hearing or for additional findings of fact.

160. Although the number of appeals received proved to be less than had been anticipated, sufficient were received to show that a reasonably uniform pattern of decision was established. Failure to establish a recognisable standard of uniformity would have adversely affected confidence in the decisions of the Committees. We saw no indication of this. The Committees worked well in what was an entirely novel field. We think that their decisions commanded respect.

161. The Commission issued a leaflet (S.C.L. No. 2 — see Appendix No. 3) at the end of 1964 telling those local government employees who were to be transferred on 1st April 1965 from the authorities mentioned in paragraph 155 above what they could do if they considered that their proposed allocation would cause personal hardship. This leaflet advised an employee who considered he had grounds for appeal to discuss his allocation first of all with

his senior officer and if the latter was unable to arrange an alternative allocation, to raise the question, through his staff association if desired, with the Clerk of his employing authority. If his initial representations were unsuccessful, he could if he wished appeal to the appropriate Local Appeal Committee.

162. We felt it necessary to point out that the machinery evolved did not provide for an appeal "to go to" a particular borough but only "against going to" the borough to which the officer had been allocated. Officers could not be given the *right* to choose to which borough they wished to go, but when an officer was successful in his appeal against the allocation made by his old employing authority, the latter no doubt would try to place him where hardship would not be involved.

163. The staff were also warned in the leaflet that where an officer had made successful representations against transfer to one borough and was allocated to another, the new authority would not necessarily be able to make an appointment as favourable as that available with the authority to which the officer was first allocated.

164. The first appeal was heard in January 1965 and we had hoped that the majority of cases would be decided before 1st April 1965. One of the staff associations became perturbed by the delay in giving sufficient information to some officers due for transfer to the London boroughs about their new grading and service conditions, and to meet the position the hardship appeal machinery was retained after that date. In fact only two appeals were made after 1st April and these were subsequently withdrawn. By the middle of June 1965 we were satisfied, after consulting the staff associations, that the hardship appeal arrangements could be terminated on 31st July 1965. We accordingly recommended that no further appeals should be received after that date and you accepted this recommendation.

165. We had been advised, during talks with staff associations and local authorities, that between 500 and 1,000 officers would probably appeal on hardship grounds against their allocation. There was however no means of ascertaining in advance the number of officers likely to do so, but we were asked to bear in mind that large numbers of officers who worked in central London (e.g. at County Hall or at Middlesex Guildhall) and lived south of the river would experience hardship, because of excessive travelling, if they were allocated—as might well be the case—to boroughs north of the river or on the outskirts of Greater London. The care shown by the employing councils in making allocations so as to avoid, or minimise, hardship, and a willingness on the part of staff to accept a measure of inconvenience, had the effect of keeping appeals to a minimum, even, when as stated in paragraph 164, the period for making an appeal was extended well beyond the date of transfer. In fact only 38 appeals were made of which half were successful; only three Committees were called upon to adjudicate, viz., Middlesex County Council 31 appeals, London County Council six appeals and the Essex County Council one appeal.

166. The majority of the appeals were based on hardship caused by increased travelling time accompanied by increased costs although no doubt the provision of the National Joint Council for travelling and disturbance allowances helped to reduce the number of appeals on these grounds.

167. The Appeals Commissioner examined all the findings of the Committees and in only one instance did he consider it necessary to comment on the decision made. He agreed with the Local Appeal Committees that 18 of the cases heard should be allowed and 19 disallowed. He gave guidance on two cases before decisions were reached by the Committees, and in one case where guidance was sought the employing authority was able to post the appellant to more suitable premises, thus alleviating the officer's hardship and avoiding the need for a decision on the appeal.

168. We arranged for the central registration of cases where officers had successfully appealed on grounds of hardship against their allocations and it had not been possible for the old employing authority to find them suitable alternative allocations within one month of the decision. The employing authorities were able to re-allocate 12 of the 18 successful appellants. The Commission found suitable alternative allocations for three of the officers, two obtained appointments by their own efforts before 1st April 1965, and the sixth eventually obtained a post outside Greater London.

CHAPTER VIII

REDUNDANCY

169. The London Government Act 1963 empowered the Minister to make detailed regulations covering arrangements for the payment of compensation for loss of employment (or for loss or diminution of emoluments) on the transfer of staff to the new authorities. The Commission were not concerned with these particular arrangements for the protection of staff interests though we were consulted by your Ministry from time to time on the content of the draft regulations.

170. Although the statutory protection was necessary it was not expected that there would be many cases of redundancy. The then Minister of Housing and Local Government said publicly on several occasions, including the open staff meetings referred to in Chapter I, paragraph 3, that he was satisfied that there would be "very, very few" officers who would be offered no post at all with a new authority. He had also announced in January 1963 (Circular No. 5/63) that even where this was likely to happen it was his intention to bring to the notice of new councils the desirability of retaining staff over and above their normal requirements to help in the difficult period of transition. Authorities would thus be in a position to employ in a supernumerary or advisory capacity experienced officers for a time, particularly those who were approaching the age of retirement and for whom there might be no permanent employment.

171. Notwithstanding these assurances we felt that one of our earliest tasks was to assess, as best we could, the scale of possible redundancies and to consider whether additional steps might be needed to alleviate it. Redundancy, which has been defined as "the involuntary loss of a job through no fault of the worker concerned", is not a normal risk of employment in the local government service and even on a small scale the risk was bound to cause apprehension. As events proved the Minister's optimism was entirely justified.

172. Our first step was taken in August 1963 when we asked the joint committees to prepare provisional estimates of the staff they thought would be needed by the new authorities. Although we knew these estimates would not present the complete picture, we hoped that they would be helpful to the new authorities when they took over from the old. These estimates gave us a broad indication that there was little likelihood of redundancy among the general body of staff, thus confirming the Minister's view, but that a number of officers at the higher levels might not be required by the new authorities.

173. The Minister formally requested the Commission on 13th March 1964 "to consider the probable extent and character of redundancies arising in consequence of the reorganisation of London government among officers affected by the reorganisation". He also asked for our advice "on measures that might be taken to reduce or offset any redundancies that they foresaw as otherwise

likely to occur". We could not come to any precise judgment of the numbers and grades of officers concerned until the new authorities had considered their organisations and complements, but the Minister wanted to know in good time if it was necessary to take action before the new authorities prepared new terms and conditions of employment under section 85(3) of the London Government Act 1963. He also asked for an interim report in advance of our main conclusions. To meet the Minister's request we asked the new borough councils to report to us not later than the end of September 1964 their proposals for their new organisations and staffing complements.

174. As already mentioned it had been suggested in January 1963, and it was re-stated by your Ministry and by the Commission in circular letters to authorities in June 1964, that new councils should consider retaining some staff in an advisory or supernumerary capacity for some time immediately following the setting up of the new system. When referring to the appointment of medical officers of health and chief welfare officers in their circular letter of 8th April 1964 the Ministry of Health also stressed that there would be scope for some full time appointments, particularly of medical officers with special experience, in an advisory capacity to help the medical officers of health to organise the various branches of the new authorities' health services. Such appointments would be particularly suitable for medical officers approaching the age of retirement, as the need for them would disappear in the course of a few years.

175. These advisory and supernumerary posts gave continued employment for about 40 chief officers and deputy chief officers of existing authorities who were not successful in obtaining comparable employment with the new authorities and thus reduced the number who would have been without jobs after 1st April 1965.

176. By the end of 1964 the reports of the staffing complements of the new boroughs were still incomplete and firm figures were not available of the staff requirements of the Greater London Council or for the services being transferred to the inner London borough councils. From the information that was available however about the estimates of staff requirements under the new organisation it was clear that there would be an overall shortage of staff in all the new authorities especially in those services being transferred from the peripheral counties to the new boroughs; but there would also be a number of officers, mainly at the more senior levels, who would be surplus.

177. At the beginning of January 1965 we therefore submitted our interim report on possible redundancies amongst the more senior staff. We reported that we had then been advised that 48 chief officers and deputies from the borough and district councils and 20 medical officers were likely to be redundant from 1st April 1965. We were also aware that there might be 30 or so officers then employed on borough functions by the London County Council, and 14 employed by Middlesex County Council, who because of salary level would, under the terms of the Staff Order, be excepted from transfer to a London borough and for whom the Greater London Council were considering the possibilities of permanent employment. In the end redundancies among senior staff turned out to be somewhat different from those forecast in January 1965 (see footnote below).

178. At that time there was no reliable information available about officers at lower levels who were likely to be redundant but it seemed that redundancy would probably be avoided by the assimilation of almost all such officers into the new borough organisations. (In fact 80 officers in these lower grades were declared redundant after 1st April 1965.)

179. As a means of helping officers likely to become redundant your Ministry in the autumn of 1964 suggested that we should examine the possibility that a few of the chief and senior officers might be interested in central government service. In considering this proposal we consulted N.A.L.G.O., the Society of Town Clerks, the British Medical Association and representatives of other associations of chief officers. Although confirming our view that a number of officers at chief and deputy chief officer level were disturbed by the uncertainty of their future, the various associations advised us that some of these were approaching the age of retirement and others had plans for entering private practice. Very few were interested in central government service because of possible difficulties about assimilation, compensation and superannuation.

180. We nevertheless obtained particulars of 14 individuals at chief officer level who were likely to become redundant and approached various Government Departments and nationalised industries about possible opportunities for employment. While recognising that there are difficulties in the recruitment of older officers by Government Departments we must record our disappointment that no such employment was found for any of these redundant officers.

181. In January 1965 your Ministry, on our suggestion, advised existing authorities that they should not contemplate taking any action before 31st March 1965 to terminate an officer's employment unless they had grounds for doing so which were quite unconnected with the reorganisation. Your Ministry also stressed that the new authorities should not take any hasty decisions about redundancy during the transitional period and pointed out that according to legal advice it was not open to authorities to take steps before 1st April 1965 to declare any transferred officer redundant.

182. With a view to measuring more accurately the total extent of redundancy, we wrote to all new councils on 17th March 1965 asking them that if on or after 1st April 1965 they decided that any officer was redundant, or likely to become so in the near future, they should immediately advise the Commission. As a result of our enquiries we received information from all the new councils. This showed that 158 officers transferred to the new London boroughs and 14 to the Greater London Council had been or were likely to be declared redundant. Of the 158 borough officers 78 had held appointments as chief officers, heads of departments or deputies. Eight were parking meter attendants (whose functions were being taken over by the Metropolitan Police) and 16 were part-time cleaners. At least half of all the redundant officers were over the age of 60; only five were under 45 years of age.

Footnote to Paragraph 177: The final analysis made in August 1965 showed a less favourable result in respect of chief officers and their deputies (other than medical officers) as 72 of them finally became redundant. On the other hand the position was much more favourable for the other categories as only six medical officers, seven former senior L.C.C. officers and seven former senior officers of the Middlesex County Council were without permanent posts as a result of the reorganisation.

183. From the point of view of staff interests it is gratifying to be able to report that such a small proportion of the 50,000 staff affected by the reorganisation were left without posts in London's government. (The 50,000 does not include teachers, nurses, residential staff and manual workers for whom in any case the demand constantly exceeds the supply.) There is no doubt too that some chief officers who had reached the optional age of retirement had elected to end their local government service on 31st March 1965 rather than face redundancy or a lowered status following transfer to a new authority.

184. We are satisfied that the incidence of redundancy was lessened by the new authorities having paid full regard to the principle laid down by the Commission that all posts in the London area should be filled to the greatest possible extent from among local government officers already employed in Greater London. The acceptance by some senior officers of old authorities of posts with a lower status in the new, the retention of some officers in advisory or supernumerary capacities and the voluntary retirement of others also helped to minimise the number declared redundant.

185. We submitted our final report on this subject to you on 11th August 1965 showing that there was very little redundancy among the general body of staff but that, as had been expected, there was a fairly high proportion, about 8 per cent, of chief and deputy chief officers of former authorities who were declared redundant by the new councils.

186. That report included tables (which are not reproduced in the present Report) giving:

- (i) number of redundant officers according to their new employing authority;
- (ii) number of redundant officers classified by grades;
- (iii) number of redundant officers classified by age groups; and
- (iv) particulars of nine redundant officers under 59 years of age who were still available for employment but who at that time had not secured a new appointment.

187. Although there were 172 officers declared redundant only 14 of them asked the Commission for help in finding other local government employment. Our efforts resulted in five of them obtaining employment; five were aged 59 or over and the remaining four had specialist qualifications which restricted their opportunities for employment.

CHAPTER IX

EXECUTIVE ACTION BY THE COMMISSION

(1) FILLING OF POSTS

188. It was clear to us that if the appointments of staff by the new authorities were to be made in an orderly fashion and the transition was to proceed smoothly, some central agency was essential. This might have been your Ministry or a body created ad hoc by the associations or by the new authorities acting collectively. Another possibility was the Commission itself. In our report of 16th December 1963 recommending the procedure for the selection of chief officers we called attention to this problem and stated that it seemed desirable that a central agency should supervise the operation at least to the extent of receiving applications from staff seeking posts outside their own area and sending such applications to the appropriate authority. Also a central agency could assist in regulating a timetable for interviews if it was found necessary. We said we were prepared to act as that central agency should the Minister so determine. When accepting our Report the Minister asked that we should act as a central agency in respect of officers seeking one of these posts outside their own area. The arrangements to implement this request were outlined in the circular letters to local authorities issued by the several Ministries concerned. In respect of some posts however, e.g. architects, medical officers of health, we were asked to handle applications from all candidates from authorities in Greater London and not just those from officers seeking posts outside their own area.

189. For a time our work as a central agency placed a very great strain upon our limited number of staff who handled over 11,000 applications from 1,400 officers, mainly in June, July and August 1964. An analysis of these applications is given in the Table at the end of this Chapter.

190. The applications were made on prescribed forms (S.A.1/2) and although ample supplies were sent to the existing councils for the use of their staff, we received nearly 800 requests for application forms from individual officers. On form S.A.1. the applicant stated the post for which he was applying and the council or councils by which he wished to be considered. On form S.A.2. he gave particulars of his previous appointments and qualifications for the post he was seeking.

191. Each candidate was required to complete only one application form irrespective of the number of authorities in which he was interested. We then sent to each new council copies of all the applications relating to a particular post. Many applications were received after the relevant closing dates, partly because of the long line of communication in the larger authorities with out-stationed staff. New councils, however, very willingly accepted and fully considered belated applications.

192. Some individual candidates were on the short lists for more than one new authority and councils knew that we were willing to act as a central point to assist them in arranging dates of interviews of candidates so that the dates could be staggered. Thirty of the 32 new boroughs consulted the Commission about the timing of interviews.

193. We were asked by 16 authorities for the names of medical assessors which we selected from a list of provincial medical officers of health who had accepted the invitation of the Ministry of Health to help in this way. Five of the outer London boroughs obtained from us the names of assessors who had been similarly invited by the Department of Education and Science.

194. The system under which an officer completed only one application form, irrespective of the number of posts for which he wished to be considered, was particularly helpful to individual officers, especially to those who were uncertain about securing a "local" post and to county officers not directly associated with any particular borough. Only a few officers "had a go" for posts in all 32 boroughs.

195. We did not require any certificate that an applicant from a peripheral county was "affected by the reorganisation" and so eligible to be regarded as employed in Greater London. Experience showed that in several border line cases such a certificate would have avoided difficulties. These mainly arose in the case of officers who had submitted their applications direct to a new council (or to the Commission as appropriate) instead of through the Clerk to the County Council. If similar circumstances arise in connection with any other reorganisation a certificate of "eligibility" should be required.

Advertising of Posts

196. *General:* At one time it was contemplated that the Commission might act on behalf of all authorities by issuing "collective" advertisements of vacant posts. It soon became apparent that as far as the more senior posts were concerned the bulk of appointments were being made from London candidates. Moreover in the absence of agreement on a set timetable which all authorities could observe it was impossible to arrange advertisements centrally. Towards the end of 1964 however several authorities, with our agreement, proposed to advertise for staff for professional posts, for which there was a national shortage, and we had some informal discussions with representative Town Clerks on the desirability of covering these posts in a collective advertisement and using the office of the Commission as a clearing house. They felt very strongly however that "omnibus" advertising was not practicable and would not be welcomed by authorities. Unwarranted comparisons would be made between the terms offered by different authorities for posts which might appear to be similar but in fact were not so. Further, they thought that difficulties would arise in attempting to fix a timetable for advertising posts in a multiplicity of grades and departments. Also a timetable might act unfairly against London staff by causing some authorities to advertise prematurely.

197. Although we accepted this advice and did not attempt to force a system of "centralised" advertising upon the new authorities our own view was that such a course could well have been beneficial. Certainly it would have avoided some of the complaints which were made early in 1965 that some authorities

were "outbidding" their neighbours in trying to attract candidates from other areas.

198. *Chief Officers and Deputies:* As stated earlier in this Report councils which felt unable to make appointments from London candidates after having carried out the procedure laid down in the various Departmental circulars were required to seek the agreement of the Commission if they wished to advertise nationally. On receiving a request to advertise for applications for chief officer or deputy posts on a national basis, we consulted the Government Department responsible for the service. We also sought assurances from the council that they had fully carried out the procedure, and representations made by staff associations were also taken into account. In several instances, authorities were persuaded to re-circulate their posts in London and this often produced suitable candidates.

199. In some cases we found that a council had sought permission to advertise without interviewing any local and/or London candidates; either the council regarded them all as unsuitable or wished to extend the field of competition before making up their minds. We recognised that in some cases this presented a great dilemma. If all candidates were rejected at the first stage a council might find later that outside candidates were no better. Also from the point of view of the local candidate he might feel that he was being prejudiced by the forcing of a decision. The problem was discussed with the staff associations who agreed that the procedure should always be followed and quite often we requested councils to interview those they regarded as the best of the candidates before we gave our consent to any advertising.

200. Below is a summary of the chief officer and deputy posts which we agreed could be advertised nationally subject to any advertisement stating that preference would be given to local government officers serving in the Greater London area:

Chief Officer Posts				Deputy Posts			
Borough Architect	...	...	6	Deputy Borough Architect	...	...	3
Children's Officer	...	...	15	Deputy Children's Officer	...	...	6
Welfare Officer	...	...	5	Deputy Welfare Officer	...	...	2
Chief Education Officer	...	...	2	Deputy Chief Education Officer	...	...	5
Planning Officer	...	...	1	Deputy Planning Officer	...	...	3
				Deputy Medical Officer of Health	...	...	6
Total ...				Total ...			
29				25			

201. *Posts Below Level of Deputy Chief Officer:* Where a new council was unable to fill a post by appointing an officer from the constituents of the new borough group, including county council staff affected by the reorganisation, the Commission's agreement had to be sought before, as the next step, the council could invite applications from officers employed elsewhere in Greater London. If the council were still unable to make an appointment from Greater London candidates the Commission's agreement had again to be sought before the council could advertise on a national basis.

202. In every case where we agreed to a post being advertised nationally we asked that the advertisement should state that it was issued with the Commission's consent and that preference would be given to Greater London candidates. This indicated that the council had carried out the procedure recommended by the Commission and showed local government staff in the London area that we were satisfied that their preferential claims had not been overlooked.

203. In the various Departmental circulars new authorities were told what action to take to fill these posts and they were reminded from time to time of the procedure. Nevertheless, some authorities advertised posts in apparent disregard of the advice of both your Ministry and the Commission. N.A.L.G.O. advised its members throughout the country that their policy was in line with that of the Commission and that where any advertisement by a London authority did not show that it had been issued in accordance with the Commission's procedure it should be "blacklisted". Local government officers from outside the review area therefore were urged by this Association not to apply for London posts unless it could be seen that our recommendations had been followed.

204. The Commission's staff scrutinised all advertisements in the recognised journals and newspapers and followed up with the councils concerned any advertisements which appeared to have been issued contrary to the agreed procedure. Staff associations also brought to our notice instances of this kind and on one occasion N.A.L.G.O., in support of the Commission, advised their members outside London not to apply for posts advertised by a particular borough council.

205. This happened early in February 1965 when a council advertised a large number of posts in over 40 categories without seeking our agreement. The circumstances were such that following discussion with the council we asked you to consider the issue of a direction to the council to carry out the recommended procedure. This was not pursued however as the council then gave us the assurances we needed and agreed to follow the procedure we had recommended.

206. *Relaxation of Restrictions on Advertising:* In November 1964 the procedure for the filling of posts set out in our letter to new councils of 30th July 1964 (see Chapter IV, paragraph 97) was superseded by arrangements which allowed new councils to advertise throughout Greater London without further recourse to the Commission if they could give the following assurances acceptable to us:

- (i) that there had been full consultation with the appropriate staff associations regarding the establishments of the department or departments in which the vacancies arose; and
- (ii) all the relevant staff due to be transferred to the new authority from the existing authorities, including those from the appropriate county council, would be absorbed into the new establishments of the departments concerned on terms not less favourable than they were then enjoying.

This relaxation was still subject to the usual strict requirements that appropriate officers in the borough groups had first been considered for the appointments and none found suitable.

207. For vacancies unfilled by staff from Greater London, the new authorities were required to seek the Commission's agreement before advertising a post without restriction. After 26th November 1964 new councils which wanted to engage staff in certain categories were allowed to advertise the posts on a national basis without seeking the Commission's agreement, provided that they first tried to fill vacancies from staff within the borough group and, for posts which could not be filled in this way, gave preference to Greater London candidates. The categories were those already mentioned in paragraph 28 of Chapter III.

208. By January 1965 it was clear that the staffing needs of the new London boroughs could not be met entirely from existing sources in Greater London and that further relaxations could be permitted without detriment to staff interests. Accordingly we informed local authorities on 20th January 1965 that where an authority was unable to make an appointment from within the borough group, the council could proceed to advertise certain posts without restriction provided they were able to give assurances (as in paragraph 206 above) acceptable to us. The categories to which this relaxation applied were:

- Architects
- Engineers
- Quantity Surveyors
- Planning Officers
- Valuation Officers
- Solicitors
- Assistant Education Officers (except those posts which are wholly, or mainly, administrative)
- Child Care Officers
- Dental Officers
- Assistant Medical Officers
- Health Visitors
- Midwives
- Medical Social Workers
- Psychiatric Social Workers
- Mental Welfare Officers
- Assistant Welfare Officers
- Social Welfare Officers
- Weights and Measures Inspectors (basic grade)

209. When the estimated staffing needs of the new boroughs were available in February 1965 they showed that there was little likelihood of any general redundancy amongst staff. In view of the short time remaining to the new councils in which to make key appointments, we agreed that some further relaxation was possible and councils who could give or already had given the assurances for either the whole or part of their establishment were not required to consult the Commission before advertising vacancies covered by these assurances. Councils were asked to advise us of their intention to advertise nationally and to state the grades and numbers of staff required. In most cases, a copy of the advertisement served to provide us with these details.

210. In our view however there was still need to restrict recruitment from outside London beyond 1st April 1965, and the arrangements for outside recruitment were continually under review. By July 1965 we were satisfied with the assurances given by authorities about consultations that had taken place with staff representatives on the absorption of transferred officers, and we decided that councils could advertise posts without restriction. Consequently after 14th July 1965 it was no longer necessary for advertisements to refer to the consent of the Commission having been obtained, or to mention that preference would be given to staff employed in the Greater London area.

211. Up to November 1964 we received only isolated requests for our agreement to advertise for candidates from beyond the area of the new borough but still limited to officers serving in Greater London. In the following four months we agreed to requests relating to about 300 subordinate posts and a further 200 in the succeeding months, to be advertised in Greater London only, i.e. before we were prepared to consider advertising without restriction.

212. Up to the end of 1964 we dealt with very few requests from councils to advertise without restriction. As new councils settled their establishments however there was a steadily increasing demand to advertise on a national basis and in 1965 we gave agreement to the advertising of nearly 600 subordinate posts.

213. As stated in paragraph 206 the main relaxations on recruitment depended upon our acceptance of certain assurances, and 25 new councils took advantage of these arrangements in respect of all or substantially all of their departments. Four councils gave assurances for a few of their departments and the remaining three councils did not give acceptable assurances in respect of any department, although this could well have been because they had no need to and it would be wrong to assume that they were unable or unwilling to do so. As a result of our acceptance of the assurances we were notified of about 700 posts which were advertised under this relaxation, i.e. without our prior agreement being required.

(2) CENTRAL REGISTER

214. A Central Register was maintained by the Commission as part of the hardship appeal arrangements (see Chapter VII). When the staff associations told us that some officers at chief and deputy chief officer level expected to become redundant we decided to use the Central Register to help them and any other officers who might be declared redundant. The registration of redundant officers was not compulsory but as soon as a new council decided that they could not employ an officer who had been transferred under the Order the officer was asked if he wished to go on the Register. Fourteen redundant officers asked to have their names placed on the Central Register. As a result of our efforts five of them obtained suitable employment.

215. We made no recommendations to authorities about the suitability or qualifications of individual officers whose names were included on the Register. Copies of an officer's qualifications were circulated in the first instance to the authorities for which he had expressed a preference and then, if no offer of employment was forthcoming, to all the other new councils in the London area.

216. The Chairman or the Chief Officer of the Commission gave personal interviews to a few officers at their request, including some of the more senior staff of Middlesex County Council, for whom there was no comparable employment with a new authority. These officers were advised as to possible courses of action and in some cases the Commission made approaches on their behalf direct to possible employers. At the request of their respective staff associations, some officers who were dissatisfied with their new allocations were seen; in appropriate cases we made enquiries from the employing councils in order to confirm that proper consideration had been given to their assimilation into the new staff structure.

TABLE
Analysis of Applications for Appointments

The following table shows:

- (a) the number of local government officers serving in Greater London who submitted to the Commission applications for appointments with the new London borough councils (Column 2);
- (b) the total number of posts for which these applicants wished to be considered, e.g. where an applicant wished to be considered by six councils, this is counted as six applications (Column 3).

Post (1)	No. of Officers (2)	No. of Applications (3)
*Clerk	43	540
*Deputy Clerk	75	1,148
*Treasurer	52	584
*Deputy Treasurer	86	1,092
*Surveyor	70	902
*Deputy Surveyor	107	1,422
Medical Officer of Health	80	407
Deputy Medical Officer of Health	79	570
*Chief Education Officer	30	233
*Deputy Chief Education Officer	30	219
Children's Officer	61	195
Deputy Children's Officer	90	342
Chief Welfare Officer	76	512
Deputy Welfare Officer	140	632
Architect	130	828
Deputy Architect	148	822
Planning Officer	71	304
Deputy Planning Officer	66	290
Total	1,434	11,042

Note: *In the case of posts marked with an asterisk officers already serving in the constituent area of the new authority were not required to apply through the Commission. Consequently the numbers shown against such posts are less than the number of officers concerned.

CHAPTER X

JOINT CONSULTATION BETWEEN AUTHORITIES AND STAFF

217. From the time of our appointment we were convinced that the smooth transfer from the old authorities to the new would largely depend on keeping all staff fully informed at all stages of the plans being made by their existing employers, by the joint committees established under section 86 of the London Government Act 1963, and by the new councils when they were elected. Also, as your Ministry had emphasised in Departmental Circulars, there had to be full consultation about the new organisation between the authorities and the representatives of staff associations and trade unions. Unless the staff knew what was going on there would be rumour and lack of confidence. Consultation goes beyond this. Unless the staff had some voice in the preparations for the new structure there would be apprehension and possible dissatisfaction later.

218. This policy of keeping the staff informed and taking their representatives fully into consultation was made all the more important by the freedom given to each new council to settle its own organisation, subject to the statutory obligations to appoint certain chief officers. There was no standard form of departmental organisation and each council was free to decide what structure was most appropriate to meet local needs. In October 1963 the Association of Municipal Corporations issued a "Memorandum on Departmental Structure of the London Boroughs", and this was a most valuable guide to the joint committees and to the new councils in planning the new organisation; but as was pointed out each council had to consider the detailed questions of staffing in relation to the availability of officers within Greater London.

219. As early as October 1963 we wrote to all existing authorities asking that the joint committees should consult with representatives of staffs and of manual workers when preparing their estimates of the organisation and staff needed by the new authorities. We anticipated that such consultation would take effect through existing consultative machinery, or failing that through ad hoc meetings. We found that the principle of staff consultation was well established where authorities had acted on the recommendation in the National Scheme of the National Joint Council for Local Authorities' Administrative, Professional and Technical Services to appoint local joint consultative committees. Other authorities did not have formal machinery but we were assured by the staff associations that in most of these cases the ad hoc consultations were accepted by the local staff as satisfactory.

220. Difficulties arose, however, at this stage and again later, in securing adequate consultation with representatives of staff who would be transferred from the county councils to the new boroughs. For a number of reasons the difficulty

was most acute in the reorganisation of services to be transferred from the London County Council. The London County Council officers to be transferred to the boroughs could not be identified until quite a late stage in the transitional period. Furthermore there were differences in grading and structure between the London County Council and the metropolitan boroughs. The difficulty was aggravated by the strained relationship between the two main staff associations. The L.C.C. Staff Association (now the G.L.C. Staff Association) represented nearly all the London County Council staff. That Association is not a member of the National Joint Council. Most of the staff of the boroughs were represented by N.A.L.G.O. or other associations which were members of the National Joint Council. Although as a Commission we had full co-operation from both these main associations our task would have been easier if they had found it possible to reconcile their differences on matters of common interest to their members. Moreover the arrangements for joint consultation between the new councils and their staffs in the inner London area could have been made more effective.

221. When the new borough councils were elected in May 1964, they were not bound to accept the proposals of the joint committees of the existing authorities, and after appointing their chief officers they alone were responsible for determining their new organisation and establishments. This again called for joint consultation with representatives of their future staffs. In March 1964 we issued a Memorandum for the guidance of members of the new authorities due to be elected in May 1964 in which we expressed the hope that the practice of joint consultation would become universal.

222. We had no power to require new authorities to adopt any particular method of consultation with the staff and, as on many other questions, we did not seek to impose uniformity or to change well established local government practices. Furthermore it was no part of our duty to act as an intermediary between the new authorities and the staff associations, unless all else failed. Indeed at times we had to refuse requests from staff associations to take action which we considered came within their own competence. We had however opportunities for insisting upon joint consultation on aspects of reorganisation which came more directly under our supervision, in accordance with the authorisation given to us by the Minister. For example before agreeing to the advertisement of particular posts we asked for assurances that the council had consulted the staff representatives, and in a few cases we withheld our agreement to advertise until we were satisfied on this score.

223. Again we met difficulty in the area of Greater London previously covered by the metropolitan borough councils. In general staff of those councils belonged to associations which are members of the National Joint Council so that the standing arrangements for consultation between local authorities and staff were appropriate for the kind of consultation we had in mind. In the case of staff matters affecting health, welfare, and children's departments and other services transferred from the London County Council arrangements had to be improvised to enable all staff representatives to be consulted irrespective of their association membership.

224. In October 1964 the L.C.C. Staff Association sought our help in connection with six inner London borough councils which the Association alleged

had not complied with our advice. We took this up with these authorities but not all the replies were satisfactory, indeed three councils implied that the onus for initiating consultation lay with the staff representatives rather than with the authority; this was a view we were not prepared to accept. Local branches of N.A.L.G.O. also experienced some difficulties with three of the same six councils which had given very limited information to that Association's representatives about the proposed staffing structure of various departments.

225. Apart from a few areas however joint consultation was adequate, although its nature varied from full Whitley discussion to the mere giving of information to the staff associations by letter. The latter could hardly be regarded as "consultation" but it is possible that the local staff in those areas might have made stronger representations to the councils. This however was not always easy and in any event, staff are entitled to expect their employer to be forthcoming without union representatives having to press for information which should be freely offered.

226. Where consultation was inadequate it seemed to us that it was more often due to a failure to allow enough time to consult the staff, rather than to a deliberate policy of avoiding such consultation. We hope however that the experience which authorities gained of the value of joint consultation will be of lasting benefit.

CHAPTER XI

RELATIONS WITH GOVERNMENT DEPARTMENTS, LOCAL AUTHORITIES AND STAFF

227. Several Government Departments had a part to play in the reorganisation of London government according to their statutory responsibility for particular services. We had to establish relationships with them, with the local authorities and their organisations, with the staff associations and trade unions, which look after the interests of employees through the normal Whitley machinery, and with the professional associations, which seek to maintain standards in their various fields.

228. The Minister had announced his intention that the Commission should be readily accessible to receive representations on staff matters and in our early meetings with the organisations we reaffirmed that we would always be ready to discuss any problems they wished to raise, and would consult them on matters which concerned their members. Our consultations and negotiations were conducted throughout on an informal and friendly basis and in addition to the many meetings which we held with representatives of organisations, the staff of the Commission dealt with many day-to-day enquiries from individual officers, from staff associations and from both existing and new authorities.

Government Departments

229. The Government Departments principally concerned with local authority matters are:

Ministry of Housing and Local Government—general responsibility with particular interest in housing, planning, public cleansing, sewerage, parks, etc.

Ministry of Health—health and welfare services.

Home Office—children's services, civil defence, fire brigades and police services.

Department of Education and Science—education and library services.

Ministry of Labour—youth employment services.

Board of Trade—public control including weights and measures.

Ministry of Transport—traffic and highways.

230. We held a meeting in November 1963 with representatives of the Government Departments having an interest in London reorganisation. The purpose of the meeting was to establish the degree of responsibility which, under their statutory powers, the various Departments had in relation to the staffing of new authorities. In particular we discussed the methods under which the new councils would select and appoint their chief officers and deputies who would be responsible for preparing for the transfer of functions on 1st April 1965.

The arrangements which were made in consultation with the appropriate Government Departments are outlined in Chapters IV and V. As individual problems arose we had discussions with the Department concerned, and we met the Government Departments again collectively in March 1964 to review the progress made.

231. It was agreed that when advice was to be given on a subject within the scope of a particular Department that advice should be passed to the authorities by Departmental circular letter. When more than one Department was concerned the Ministry of Housing and Local Government agreed to co-ordinate action by issuing a single circular. It was agreed however that we should also be free to write direct to the authorities or the joint committees on more general matters, or when we were seeking information from them.

232. On general matters we issued several circular letters to authorities and copies were always sent to the staff associations for the information of their members. In March 1964 we issued a Memorandum on the functions of the Commission, and in June 1964, at the request of N.A.L.G.O. and of the L.C.C. Staff Association, we prepared a review of our activities for the information of their members. We also published two leaflets for the information of staff which were widely circulated through the authorities and the various staff associations—S.C.L. No. 1 gave an outline of the draft Order dealing with the transfer of staff (see Appendix No. 2); S.C.L. No. 2 outlined the hardship appeal arrangements (see Appendix No. 3).

Local Authorities and Joint Committees

233. It was obvious from the outset that if we were to be successful in our task we would need the fullest co-operation of the existing local authorities, of the joint committees which, under sect. 86 of the London Government Act 1963, each borough group and the Greater London Council constituent authorities were required to appoint, and of the new authorities when they were constituted. We had also to keep in mind the statutory responsibility and autonomous position of the authorities on staff matters as in other fields. With very few exceptions we found the local authorities and the joint committees most helpful in supplying information and giving their views on the various proposals which we put to them. Unfortunately there were, for one reason or another, difficulties in getting joint committees established in several borough groups despite pressure by your Ministry. This meant that in some areas much preparatory work was left until later than was prudent. One of the consequences was that many staff were left in a state of uncertainty about their future for a much longer period than they should have been. On the other hand some joint committees of the old authorities were able to make such rapid progress that uneasiness was caused to staff elsewhere when they heard of appointments being made by new councils before their own local position was known.

Local Authority Associations

234. When it was necessary to obtain the views of the employing authorities this was usually done through one or more of the local authority associations, or through the Metropolitan Boroughs' Standing Joint Committee which represented the interests of the 28 former Metropolitan Borough Councils and the

City Corporation. In the summer of 1964 the London Boroughs Committee was set up representing the interests of all the new London borough councils and this Committee was consulted by us on matters arising after that date. The associations and the two committees were able to co-ordinate the views of the authorities and to satisfy their members that any "restrictions" placed on them by the Commission were, in the context of London reorganisation, necessary and reasonable.

Staff Associations and Trade Unions

235. Throughout our activities we were in constant touch with the many organisations representing the staff and employees of the Greater London authorities. Generally speaking there is well established joint machinery in local government for dealing with conditions of service, and we made it clear to the organisations that we would not interfere in matters which properly came within the scope of normal negotiations. From time to time we had to be quite firm in our attitude when associations sought our intervention in matters which in our view were for settlement in the normal way. We believe that our insistence on using the normal machinery wherever possible may have strengthened the relations between the authorities and the staff associations which were already on a sound basis.

236. Although we consulted the staff associations on all important issues we had to make our own objective appraisements, and our conclusions did not always accord with the views expressed by particular associations. On several issues the various staff bodies, for reasons which we well understood, were not in agreement among themselves. We should probably have found it easier—and less time consuming—if we had been able to consult but a single body representing all staff interests. It was never intended that the Commission should act merely as a "mouthpiece" for the staff associations, and this came to be accepted by the associations although naturally they looked to us to protect the interests of their members at all stages of the reorganisation.

237. We are grateful to all the staff associations for their help in the staffing aspects of this major reform of London's government, and particularly to N.A.L.G.O. and the L.C.C. Staff Association (now the G.L.C. Staff Association) in view of the large numbers of staff represented by them.

Individual Officers

238. We always recognised that such a large scale reorganisation would be likely to create problems for individual officers which could not be entirely covered by general precepts. In the main these difficulties were resolved locally through the normal negotiating machinery and very few cases of dissatisfaction reached us. We found the associations most helpful in dealing with individual cases and presenting to us only problems of a general nature which they felt merited our consideration. In addition the Commission's officers raised with the authorities concerned difficulties brought to our notice by a number of officers who were not members of staff associations.

CHAPTER XII

GENERAL

239. In concluding this Report we wish to place on record some general observations in the light of our experiences. In the first place there can be no doubt that the appointment of an independent body was fully justified by events. The staff were reassured that their interests were protected and the Commission were able in many ways to facilitate their smooth transfer. The Commission acted as a co-ordinator between Government Departments, local authorities and the staff, focussed attention on many issues and made recommendations which became the basis for action.

240. We are satisfied that it was right for the Commission to be an advisory body, acting by persuasion and relying on the Minister of Housing and Local Government to use his powers, where it was necessary, to direct an authority to implement the Commission's advice. These arrangements worked well and councils and their chief officers came to recognise that the Commission could take a broad view of requirements over the whole area of Greater London and that in some matters local conformity to a common standard was in the general interest. In the event the Minister issued a direction on only one occasion on representations made by the Commission. In three further instances however co-operation was forthcoming only when the councils concerned realised that the Commission were on the point of making representations to the Minister for the issue of directions.

241. It was right that matters of grading, salaries and compensation should be outside the scope of the Commission's functions. In the interests of staff however it was incumbent upon the Commission to be satisfied that adequate machinery existed for dealing with questions of this kind. We accordingly did so to satisfy ourselves.

242. Councils applied the Staff Order fairly and there proved to be little need for a statutory right of appeal for individuals against their selection for transfer. Nevertheless it was reassuring to the staff to know that an appeal was open to them. Similarly the hardship appeal arrangements were fully justified.

243. It was frequently brought to our notice that senior officers who realised that they were unlikely to get comparable posts with new councils were unaware of the probable effects on their compensation rights if, before they had been declared redundant, they declined unattractive jobs or failed to apply for posts elsewhere. More widespread publicity of the Compensation Regulations and of their effect on individuals might have been helpful.

244. Although the Commission were set up primarily to advise on staff interests, we were able to provide a service which was of value to authorities. The practices we established for advertising and filling posts were in the interests of authorities as well as of staff, and we assisted the authorities by

acting as a clearing agency on quite a substantial scale. We kept a close watch on the progress made by all the new councils and by calling for reports on particular staffing matters we were able to bring home the need to face up to certain problems earlier perhaps than some councils might otherwise have done.

245. In Chapter I, paragraph 12, we have acknowledged our indebtedness to the staff of the Commission. We particularly wish to express our high appreciation of the services of our Chief Officer, Mr. P. D. Ward, O.B.E., and of our Secretary, Mr. J. B. Cannon. Mr. Ward came to us in January 1964 on secondment from the Ministry of Labour. Mr. Cannon was with us throughout. They gave us their unstinted and enthusiastic service and we are under deep obligation to them both.

APPENDIX NO. 1

DIARY OF EVENTS

(Note: The items in the main relate to the dates of issue of circular letters to local authorities outlining the action to be taken as recommended by the Commission. Where there is an asterisk (*) in front of an item this indicates that the circular letter was not issued by the Commission but by either the Ministry of Housing and Local Government (in most cases) or other appropriate Government Department.)

Item No.	Date	Subject
	1963	
* 1	8th January	... Transitional problems; consultation and protection of staff interests (Circular No. 6/63)
2	19th April	... <i>Establishment of the Commission on a non-statutory basis (see item 6(1))</i>
* 3	19th April	... Invitation to authorities to set up joint committees of merging authorities
* 4	15th July	... Terms of reference of Commission announced
5	31st July	... <i>London Government Act 1963 received the Royal Assent</i>
* 6	16th August	... (1) <i>Commission appointed on a statutory basis</i> ; (2) Joint consultation between authorities and staff urged by Minister (Circular No. 53/63)
7	23rd August	... (1) Commission ready to receive representations; (2) Filling of posts by existing authorities before 1st April 1965; (3) Request for views of joint committees on methods for appointing chief officers; and (4) Requests for estimates by joint committees of staffing requirements of new councils
8,	29th October	... Emphasising need for joint consultation between authorities and staff regarding estimates
* 9	15th November	... Minister's intention to seek advice of Commission on staff transfer provisions
*10	26th November	... Responsibility for and staffing of Youth Employment Service
	1964	
11	14th January	... <i>Appointment of Mr. W. Hayhurst, C.B.E., as Local Government Adviser to the Commission</i>
*12	13th February	... Procedure for appointing Clerks, Treasurers, and Surveyors (Circular No. 5/64)

Item No.	Date	Subject
1964		
13	6th March	... Memorandum of guidance to members of councils: (1) Statutory duties of Commission; (2) Commission's relations with councils, other bodies and with individual officers; (3) Filling of posts by old councils before 1st April 1965; (4) Transfer to and assimilation of staff by new councils; and (5) Need to give officers early information about their future
*14	23rd March	... Procedure for appointing Chief Education Officers (Outer London boroughs only)
*15	8th April	... Procedure for appointing (1) Medical Officers of Health and (2) Chief Welfare Officers
16	9th April	... <i>Election of members of the Greater London Council</i>
*17	9th April	... Procedure for appointing chief and deputy chief officers by the Greater London Council (Circular No. 17/64)
18	4th May	... Commission to act as central point regarding arrangements for interviewing candidates for chief officer appointments
19	7th May	... <i>Election of members of the 32 London borough councils</i>
20	7th May	... Councils to inform candidates of salaries and conditions before they are interviewed for appointments
21	11th May	... <i>London Authorities (Interim Action) Order 1964 made—operative from 15th May 1964</i>
*22	14th May	... Procedure for appointing Children's Officers
23	19th May	... Requests for information about staff employed by old councils (excluding county councils) on 1st April 1964
*24	27th May	... Procedure for appointing deputy Medical Officers of Health, deputy Chief Welfare Officers and other senior officers in health and welfare departments
*25	3rd June	... Procedure for appointing (1) Borough Architects and (2) Planning Officers (Circular No. 23/64)
*26	4th June	... Procedure for appointing deputy chief officers, heads of departments and services and other senior officers (other than in health and welfare departments) (Circular No. 31/64)
*27	5th June	... Procedure for appointing deputy Chief Education Officers
*28	11th June	... Clarification of points raised regarding the appointments of Children's Officers and their deputies

Item No.	Date	Subject
1964		
29	29th June	... Arrangements for transfer of staff: (1) Safeguards on transfer; (2) Considerations to be taken into account when filling posts by promotion; (3) Estimates of staff requirements by new borough councils; (4) Consultation with staff representatives; (5) Special problems of "divided" areas; and (6) Transfers to the Greater London Council, and to Hertfordshire and Surrey County Councils
*30	6th July	... Procedure for appointment of Civil Defence Officers and their deputies
31	30th July	... Filling of posts before 1st April 1965: (1) by old authorities; (2) by new authorities
32	7th August	... County councils to consider personal circumstances of staff to be transferred but adjustments to be limited—except on grounds of personal hardship—to the "specified" councils linked with the respective county councils
33	13th August	... Report sent to Minister of Housing and Local Government on (1) machinery for dealing with appeals against selection for transfer; and (2) hardship appeals machinery
34	19th August	... Requests for statistical information from new councils
35	18th September	... Requests for statistical information from Inner London boroughs regarding staff being transferred from the London County Council
36	7th October	... Procedure for appointment of Valuers
37	8th October	... Modification of procedure for filling of posts by old authorities
38	9th October	... <i>Appointment of Lord Ilford, Q.C., as Appeals Commissioner (Hardship Appeals)</i>
39	10th October	... Authorities concerned invited to set up local appeal committees to consider hardship appeals
40	26th November	... Modification of procedure for filling of posts by old and new councils
41	4th December	... Leaflet—"Hardship Appeal Arrangements" (S.C.L. No. 2)
42	10th December	... <i>The London Government (Compensation) Regulations 1964 made — operative from 18th December 1964</i>
43	11th December	... Appeals Commissioner's Memorandum for Guidance of Local Appeal Committees (Hardship Appeals)
44	30th December	... Leaflet—"Transfer of Staff" (S.C.L. No. 1)—explaining expected provisions of the Transfer of Staff Order

Item No.	Date	Subject
1965		
45	6th January	... Redundancy: Interim Report to Minister of Housing and Local Government
46	20th January	... Relaxations in procedure for filling posts
47	26th January	... <i>The London Authorities (Staff) Order 1965 made</i> — operative from 30th January 1965
*48	29th January	... Explanatory circular about the Staff Order; (1) Protection of officers on transfer; (2) Staff to be given early notice of their allocations; (3) No authority to take steps before 1st April 1965 to declare an officer redundant; (4) Written notice of new terms and conditions to be issued as soon as practicable (permissive even before 1st April 1965); and (5) Appeals arrangements (other than on hardship grounds) (Circular No. 5/65)
49	18th February	... Further relaxations of the procedure for filling posts
*50	9th March	... (1) Reminder that Commission would continue in being after 1st April 1965 (2) Special features affecting certain services; (3) "Schemes" for transfer of certain officers; and (4) Salaries and other terms and conditions of new employment
51	17th March	... (1) Restrictions on filling of some posts to continue beyond 1st April 1965; (2) New councils to report to Commission if on or after 1st April 1965 they decide to declare that any officer is or will become redundant
52	31st March	... <i>The London Government Order 1965 made</i> — (It amended certain provisions of the London Authorities (Staff) Order 1965)
53	1st April	... <i>Appointed Day for the transfer of services and staff</i>
*54	22nd April	... (1) Use of Industrial Court for settling disputes about new terms and conditions of employment; (2) Service of written statements of new terms and conditions not to be treated as an "offer of employment"
55	18th June	... Last date for receipt of hardship appeals to be 31st July 1965
56	14th July	... End of restrictions on filling of posts by new councils
*57	6th August	... Commission's executive work to end on 30th September 1965, but Commission to continue until 31st December 1965 to prepare a report
58	11th August	... Redundancy: Final Report to Minister of Housing and Local Government
59	14th December	... Final Report of the Commission

APPENDIX NO. 2

S.C.L. No. 1

LONDON GOVERNMENT STAFF COMMISSION

London Government Act 1963

Transfer of Staff

The purpose of this leaflet is to give a brief outline of the Order under which staff, including manual workers, will be transferred on 1st April 1965. The Order has not yet been made by the Minister of Housing and Local Government. Nothing in this leaflet prejudices the final form of the Order or purports to be an authoritative interpretation of it.

GENERAL

1. After consultation with the Staff Commission a draft Order dealing with the transfer of staff under the London Government Act 1963 has been prepared by the Ministry of Housing and Local Government. Suggestions were made to the Ministry on matters of detail, but the Staff Commission understand that there was general agreement on the main lines of the draft Order. The Order will be made shortly but meanwhile plans for re-allocation of staff are going ahead.

2. Officers may wonder where they stand and the Commission are issuing this brief outline of the proposed Order for the information of the staff indicating at the same time the points on which individuals will be able to appeal if they have substantial reasons for being dissatisfied with the way in which the arrangements are being applied to them.

3. The reorganisation of London government involves an amalgamation of existing authorities on a scale not previously attempted. In addition complex problems are raised by the transfer of functions from existing county councils to the London boroughs. There are also problems arising from the transfer to the Greater London Council of functions now exercised at borough level, together with functions exercised not only by the London and Middlesex County Councils but also by the three county boroughs in Greater London and by the four peripheral counties.

4. One of the main underlying principles of the draft Order is that, so far as possible, all those engaged on the provision of local government services in Greater London shall continue in their present work although their employing authority will change. In this course lies the best hope of continuity in the administration of the services being provided for the community.

5. The general effect of the Order will be that most of the staff of the London and Middlesex County Councils will be transferred to the Greater London Council and practically all those now employed by existing boroughs, metropolitan boroughs and district councils will go to the new London borough councils of which their existing area will form a part.

TRANSFER PROVISIONS

Transferred Premises and Services

6. Where an officer is employed on a particular local government function and is working wholly or mainly at particular premises (school, clinic, residential home, fire station) he will be employed in future by the authority to whom those premises are transferred. Similarly, if he is engaged on a transferred service and, although not working full-time in particular premises, is operating wholly or mainly from such premises he will become an employee of the authority taking over the premises.

7. This principle operates whether the premises are being taken over by a London borough council, the City Corporation or the Greater London Council. In most cases there will be no doubt whether an officer is "wholly or mainly" working in or based on particular premises; "wholly or mainly" in this context implies that an officer is working for more than half his time in the manner indicated. The Order will however provide for this point to be settled in case of doubt by a board of referees appointed by the Minister of Labour. This procedure cannot operate until the Order has been formally made.

8. There will be officers, however, who although working in or in connection with a transferred service, will not be identified with particular premises, e.g. headquarters staff. Here the Order will differentiate between (1) the peripheral county councils who will still be responsible for local government services in their counties, and (2) the London and Middlesex County Councils and the three county boroughs in Greater London.

9. In the case of the London and Middlesex County Councils the principal services to be transferred to the new boroughs are the health and welfare and children's services, and (in Middlesex) education. From the county boroughs the main services to be transferred to the Greater London Council are the fire and ambulance services, refuse disposal and main drainage. In all these cases the Order provides that every headquarters officer employed "wholly or substantially so" on such functions (which means in this context not merely 50% of an officer's time but very nearly whole-time employment on the service in question) will be transferred with the service on which he is engaged. This means that such officers will be transferred to one or other of the London boroughs or the City, or to the Greater London Council, or (in respect of services in connection with Potters Bar, Sunbury or Staines) to the Hertfordshire or Surrey County Councils. Again the Order will provide for any dispute as to whether a headquarters officer is employed "wholly or substantially so" on a transferred service to be dealt with by a Ministry of Labour tribunal.

10. In the case of the four peripheral County Councils of Essex, Hertfordshire, Kent and Surrey, there is no formula to determine which headquarters staff should be transferred with their functions to the Greater London Council or to the London boroughs, and these transfers are to be settled between each of these four county councils, the Greater London Council and the appropriate London borough councils.

11. The most difficult part of the transfer arrangements required by the Order will be the making of schemes by the county councils for re-allocating their

headquarters officers who are now engaged on borough functions among the London boroughs and the City. These schemes should now be substantially ready but the following points are of interest:

- (a) So far as is practicable the county councils will give effect to the preferences for particular boroughs indicated by individual officers. But it will not be possible to meet every officer's preference while at the same time ensuring a balanced allocation of experienced staff between the authorities who will be responsible for local government services in the future.
- (b) The Order contemplates that in the normal case London County Council officers should be allocated to London boroughs in Inner London or the City; Middlesex County Council officers to the London boroughs in Middlesex; Surrey County Council officers to London boroughs in metropolitan Surrey, and so on. The Order allows for the possibility, however, that a county council may transfer an officer to a London borough in a different county if satisfied, on considering the officer's personal circumstances, that this would be the right course and providing the new receiving borough council agree.
- (c) The Order will not provide for transfer to the Greater London Council as an alternative for any county council officer employed, wholly or substantially so, on functions which from April 1965 will be undertaken by a new London borough. The only exception contemplated is in the case of certain London and Middlesex County Council officers who would otherwise be transferred to the London boroughs but whose present salaries are such that they clearly could not expect a comparably paid post with a London borough. These officers will be transferred to the Greater London Council on 1st April 1965 even though there may not be permanent employment for all of them.

Divided Areas

12. Special problems arise in connection with the Metropolitan Borough of Wandsworth and the Urban District of Chislehurst and Sidcup. In each case the present authority is being divided in a way which places a substantial part in each of two new London boroughs. The Order requires the preparation of two further schemes: the first re-allocating the staffs of the Metropolitan Boroughs of Battersea, Lambeth and Wandsworth between the two London Boroughs of Lambeth and Wandsworth, and the second re-allocating the staff of the Chislehurst and Sidcup Urban District Council between the London Boroughs of Bexley and Bromley. Again regard will be had as far as possible to the wishes of the individual officers though it is impossible to guarantee that an officer's preference will be met in every case.

Other Transfer Provisions

13. The London Government Act requires the Minister to provide for the transfer of all officers of the local authorities being abolished by the Act and the Order therefore contains comprehensive transfer arrangements designed to meet this obligation. They apply to all officers of the abolished authorities who are not either appointed to one of the new authorities before 1st April next or transferred by the provisions outlined above in connection with the transferred services and the special schemes for the divided areas. London

and Middlesex County Council officers coming within these residuary provisions will be transferred to the Greater London Council, and officers of the existing boroughs, metropolitan boroughs and urban districts to the new London borough councils of which their existing area will form a part.

STAFF SAFEGUARDS

14. For officers transferred the Order will give effect to the safeguards required by the London Government Act (an extract from Section 85 of that Act is given in the Appendix to this leaflet). Briefly, these provide for complete individual protection during the period immediately following transfer when, no matter what the officer's duties with his new employing authority may be, he is guaranteed terms and conditions of employment (including salary scale) not less favourable than those he enjoyed immediately before transfer. This initial period will be brought to an end by the delivery to each officer of a statement in writing indicating what his terms and conditions of service will be in the post to which his new authority appoints him or in some exceptional cases informing him that there is no post in which they can retain him. If his duties in the post are "reasonably comparable" to those of his employment before transfer then, again, he is guaranteed his previous salary scale, and whether the duties are comparable or not he is entitled to other terms and conditions not less favourable than those he enjoyed on 31st March 1965. The safeguards which operate when an officer receives a written statement after 1st April 1965 are also applicable (by virtue of an earlier Order—the London Authorities (Interim Action) Order 1964) to an officer who is appointed by a new authority before 1st April 1965, whether he takes up his appointment on or before that date.

15. The Order will provide that any question as to whether an officer's new duties are "reasonably comparable" with his pre-transfer duties can be referred to a tribunal appointed by the Minister of Labour. No time limit will be set by which an officer is to be notified, in writing, of his new terms and conditions of service. In some instances the written notice may become operative on or shortly after 1st April 1965, in others a much longer period may elapse before the written notice is issued. During such period however and before an officer is formally appointed to his final post with his new authority he may be transferred to another authority, with his agreement, and without loss of safeguards.

16. In any instance where an officer suffers loss of employment or diminution of emoluments as a result of reorganisation he will be entitled to compensation. Regulations on compensation, including provisions for settlement of disputes between an officer and the compensating authority have been made by the Minister of Housing and Local Government, and Orders dealing with superannuation matters will follow shortly.

17. There is a separate leaflet (S.C.L. No. 2) dealing with the arrangements under which officers due to be transferred from the London and Middlesex County Councils to a London borough council, from a peripheral county council to a London borough council or the Greater London Council, or from a county borough council to the Greater London Council, or under one

of the schemes for the divided areas may appeal to Local Appeal Committees if they consider that their particular allocation will cause personal hardship.

London Government Staff Commission

1 St. Andrew's Place, N.W.1.

December 1964.

APPENDIX

London Government Act 1963

Extract from Section 85

85. - (1) Any order under section 6 or 84 of this Act may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order, the holder of any place, situation or employment and who is affected by any provision of, or of any instrument made under, this Act, and shall contain provisions for the protection of the interests of such persons.

(2) In the case of any person who on 31st March 1965 is in the employment of one or more local authorities who are or include a council to whom section 3 (1) (b) of this Act applies, being employment which, or which in the aggregate, is whole-time employment, the Minister shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 3 (1) (b), that person would apart from the order cease on 1st April 1965 to be in employment which, or which in the aggregate, would be whole-time employment by one or more local authorities, that person is transferred on 1st April 1965 to the employment of such local authority as may be specified in or determined under the order.

(3) The provision required by subsection (1) or (2) of this section or by section 24(7) of this Act shall include such provision with respect to any person who is transferred under this Act (or, as the case may be, in pursuance of any agreement under the said section 24(7)) from the employment of one authority to that of another as to secure that—

- (a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those he enjoyed immediately before the date of transfer; and
- (b) the said new terms and conditions are such that—
 - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
 - (ii) the other terms and conditions of his employment, are not less favourable than those he enjoyed immediately before the date of transfer.

(4) The appropriate Minister shall by regulations make provision for the payment by such authority as may be prescribed by or determined under the

regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument (including any agreement under section 24(7)) made under this Act; and any such regulations—

- (a) may include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

APPENDIX NO. 3

S.C.L. No. 2.

LONDON GOVERNMENT ACT 1963

Transfer of Staff

Hardship Appeal Arrangements

The purpose of this leaflet is to tell those local government employees who are to be transferred on 1st April 1965 from certain authorities—see paragraph 1 below—what they may do if they consider that their proposed allocation will cause personal hardship.

1. The hardship appeal arrangements described in this leaflet apply only to staff employed by:

- (i) the County Councils of London and Middlesex;
- (ii) the County Councils of Essex, Hertfordshire, Kent and Surrey who are to be transferred to the new London boroughs or to the Greater London Council;
- (iii) the County Borough Councils of Croydon, East Ham and West Ham who are to be transferred to the Greater London Council;
- (iv) the Metropolitan Borough Councils of Battersea, Lambeth and Wandsworth; and
- (v) the Chislehurst and Sidcup Urban District Council.

2. Local authorities have been urged to consult fully with their staffs and with staff associations and trade unions while they are preparing for staff transfers, and to try to meet as far as possible the preferences of individuals. Officers themselves are advised to keep in touch with their employing authority, either directly or through their staff organisation, so that as many difficulties as possible may be disposed of in advance and while plans are still fluid.

3. Each authority, if it has not already done so, will inform staff as soon as possible how they will be affected, so that each officer will know where he is going, and for example whether he is being treated as employed on a transferred service, whether he is to be allocated to a London borough or to the

Greater London Council, or whether he comes within one of the schemes for the authorities which are being divided. It will not always be possible to meet individual preferences or wishes, or to avoid hardship, in the detailed plans for the allocation of staff to the new authorities. It will be open to an officer to make representations to his present employing authority if he feels that the proposed allocation will cause hardship because of personal circumstances. Hardship is not likely to arise where an officer is to continue to work from the same premises or in the same area. It may, however, arise in the case of officers who are moving from a county to a London borough council, or from an existing borough to the Greater London Council, or in those few areas where an existing authority is to be divided in the course of reorganisation. It is to meet these cases that Local Appeal Committees are being established. The procedure proposed for dealing with appeals is set out in the Appendix to this leaflet.

4. Manual workers affected by the reorganisation will be transferred to new authorities on 1st April 1965 in the same way and subject to the same conditions as non-manual workers. Most manual workers will continue to be employed at the same premises where they are now working so that questions of personal hardship are unlikely to arise. Where, however, a manual worker will be required on transfer to move to different premises and considers that such transfer will involve personal hardship, he should make representation to his present employing authority. If the matter is not satisfactorily settled, he should then appeal through the existing appeals machinery of the National Joint Council for Local Authorities' Services (Manual Workers). If, exceptionally, his work is not covered by that Council, his appeal should be made to the Local Appeal Committee.

5. The purpose of the arrangements is to ensure that an officer who considers that his proposed allocation, although made in accordance with the terms of the Order for the transfer of staff, may cause him personal hardship, shall be afforded an opportunity to have his objections fully and sympathetically investigated and, where practicable, a change made in the proposed allocation.

6. The Local Appeal Committees have no power to determine questions of compensation or "comparability" of posts or questions relating to the grading of particular posts. Other arrangements will be made for dealing with questions of this character.

7. It is not the function of a Local Appeal Committee to consider whether or not an officer should be transferred from his existing authority. The Committee is concerned only with considering whether the proposed allocation to a new authority would cause personal hardship to an extent which makes it desirable to change the allocation. Even where satisfied that this is so, it is not the function of the Committee to say to which alternative authority an officer should be transferred. Where a Committee decides that the proposed allocation would not cause hardship there will not be any right of appeal against such decision.

8. The Appeals Commissioner has said that it is not possible to give a definition of what may constitute hardship. Each case will be judged on its individual circumstances and merits. He has made it clear however that of themselves

the following will *not* be held to constitute hardship for the purpose of these arrangements:

- (i) Mere personal preference for one authority rather than another.
- (ii) Lack of knowledge of the particular post to which the officer will eventually be appointed by the new authority.
- (iii) An allocation which is dependent upon the premises in which the officer is employed or on which he is based.

9. If an appeal is allowed the officer's rights under the Act or under the Order will not be affected; they will be the same as those of other officers who are transferred on 1st April 1965. Equally, the obligations on the new employing authority to which he may be transferred will in no way be affected by the appeal. *When the time comes to make a formal appointment the new authority will not necessarily be able to make an appointment as favourable as that available with the authority to which the officer was first allocated.*

10. Although there can be no guarantee that an officer who wins his appeal will be found an alternative allocation, it is expected that there will be openings with most of the new authorities to which successful appellants could hope to be transferred. The London Government Staff Commission will maintain a central register of officers who are not immediately re-allocated and will assist in trying to find more suitable allocations for them.

London Government Staff Commission,

1 St. Andrew's Place,

London, N.W.1.

December 1964.

APPENDIX

Notes on Hardship Appeals Procedure

GENERAL

1. These Notes apply to you if you are employed by one of the authorities named in paragraph 1 of this leaflet and consider that the particular allocation would cause personal hardship. You should first of all discuss the allocation with your senior officer, e.g., head of department, departmental establishment officer. If the latter is unable to arrange an alternative allocation—and there may be good reasons why a change cannot be made—you should raise the question (through your staff association or trade union if you wish) with the Clerk of your employing council.

2. If your representations are not successful, you may appeal to a Local Appeal Committee against the particular allocation in accordance with the procedure set out below.

3. You should obtain a copy of form AC.1 from the Clerk of the Council or from the Clerk to the Appeals Commissioner, 1 St. Andrew's Place, London, N.W.1. Complete the form—your staff association or trade union will help you if you need advice about this—and send it without delay to the Chairman of the Local Appeal Committee c/o the Clerk of your present employing authority. It should not be sent to the Appeals Commissioner.

4. If you are a manual worker you should consult your trade union representative, who will arrange for your case to be considered first at the level of your employing council and thereafter through the appeals machinery of the National Council for Local Authorities' Services (Manual Workers). If, however, you are not within that scheme, you should complete form AC.1 as in paragraph 3 above.

TIME LIMIT FOR MAKING APPEALS

5. Your appeal on form AC.1 should be submitted within twenty-eight days of your being advised of your allocation. If, however, you were so advised before 15th December 1964 you should submit your appeal before 15th January 1965.

6. A Local Appeal Committee will not be precluded from hearing an appeal which is received outside this time limit if they consider that there were reasonable grounds for delay.

7. An appeal made after 28 days may also be heard if the Committee are satisfied that delay was justified because of reasonable doubt as to future employment with the authority to which an officer has been allocated although such reasonable doubt is not in itself a ground for hardship (paragraph 8(ii) of this leaflet).

8. Extensions for appeal beyond 28 days will be subject to a final date beyond which no further appeals will be accepted. This date will be fixed later.

HEARING OF APPEALS

9. You will be invited to attend the meeting of the Local Appeal Committee which will consider your appeal. You may be accompanied by your staff association or trade union representative or by a friend.

10. The Committee will consist of an independent chairman, one or more members of the council and an equal number of members drawn from a panel of persons nominated by the staff associations in the area of your authority.

11. You and your staff association or trade union representative (or a friend) will be given an opportunity to amplify your written appeal and to comment on any observations submitted by your employing authority about your appeal. The Chairman will first make sure that you have read and understand the implications of paragraph 9 of this leaflet.

12. You, and anyone with you, will, however, be required to withdraw before the Committee reaches its conclusions.

DECISION OF THE COMMITTEE

13. Some days may elapse before you can be told the result of your appeal, as each case will be sent to the Appeals Commissioner for his examination before the decision is made final. This will be done so that he can satisfy himself that the decisions of the Committees are, as far as practicable, uniform, and that in reaching a decision in your own case the Committee have acted

in accordance with the guidance he has given. If he is not satisfied he may require the Local Appeal Committee to give further consideration to some aspect of your case, or he may request the Committee to arrange a re-hearing, which you will then be invited to attend. When he is satisfied that the Committee have reached their decision in accordance with the general advice he has given, you will be informed on form AC.2A or AC.2D. The decision will be final.

ALTERNATIVE ALLOCATION

14. If your appeal is allowed your employing authority will seek to allocate you to a council other than that which was the subject of your appeal. If they are not able to do so before 1st April 1965 you will be transferred initially to a new authority pending a fresh allocation being found for you. For the time being you may in fact have to go to the council concerned in your appeal—this will preserve your transfer rights under the London Government Act 1963—but efforts will be made through a central register of the London Government Staff Commission to find an alternative allocation.



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London Government Staff Commission (1963-1965)

*Report presented to the
Minister of Housing and Local Government*

MEMBERS

SIR Harold Emmerson, G.C.B., K.C.V.O. — Chairman
Lord Geddes of Epsom, C.B.E.
Lord Hemingford

APPEALS COMMISSIONER

Lord Ilford, Q.C.

LOCAL GOVERNMENT ADVISER

W. Hayhurst, C.B.E.

CHIEF OFFICER

P. D. Ward, O.B.E.

SECRETARY

J. B. Cannon



LONDON

HER MAJESTY'S STATIONERY OFFICE

1966

To: The Rt. Hon. Richard H. S. Crossman, O.B.E., M.P.
Minister of Housing and Local Government.

We have the honour to present this Report on the work of the London Government Staff Commission appointed under Section 85(5) of the London Government Act 1963.

In preparing the Report our object has been to place on record the more significant features of the reorganisation of London government from the point of view of staff interests. We hope that the account of our work will be of value if similar problems of reorganisation arise in future.

HAROLD EMMERSON, *Chairman*

GEDDES OF EPSOM

HEMINGFORD

14th December 1965

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